

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

* * *

OHIO A. PHILIP RANDOLPH
INSTITUTE, et al.,

Plaintiffs, CASE NO.

vs. 1:18-cv-00357-TSB-KNM-MHW

RYAN SMITH, Speaker of
the Ohio House of
Representatives, et al.,

Defendants.

* * *

Deposition of RAYMOND E. DiROSSI,
Witness herein, called by the Plaintiffs for
cross-examination pursuant to the Rules of Civil
Procedure, taken before me, Christine Gallagher,
a Notary Public in and for the State of Ohio,
at the offices of the Ohio Attorney General,
30 East Broad Street, 14th Floor, Columbus,
Ohio, on Monday, the 22nd day of October, 2018,
at 9:20 a.m.

* * *

Job No. 149781

EXAMINATION CONDUCTED	PAGE
BY MS. THOMAS-LUNDBORG.....	17

EXHIBITS MARKED	
(Thereupon, Plaintiffs' Exhibit	20
Number 1, Subpoena to Testify at a	
Deposition in a Civil Action, was	
marked for purposes of identification.)	
(Thereupon, Plaintiffs' Exhibit	35
Number 2, Subpoena to Produce	
Documents, Information, of Objects or	
to Permit Inspection of Premises in a	
Civil Action, was marked for purposes	
of identification.)	
(Thereupon, Plaintiffs' Exhibit	40
Number 3, Documents Bates Stamped	
LWVOH_00004033-4034, was marked for	
purposes of identification.)	
(Thereupon, Plaintiffs' Exhibit	59
Number 4, Document Bates Stamped	
LWVOH_00009711, was marked for	
purposes of identification.)	

(Thereupon, Plaintiffs' Exhibit 59
Number 5, Document Bates Stamped
DIROSSI_0000017, was marked for
purposes of identification.)

(Thereupon, Plaintiffs' Exhibit 63
Number 6, Document Bates Stamped
DIROSSI_0000018, was marked for
purposes of identification.)

(Thereupon, Plaintiffs' Exhibit 67
Number 7, Document Bates Stamped
DIROSSI_0000019, was marked for
purposes of identification.)

(Thereupon, Plaintiffs' Exhibit 71
Number 8, Document Bates Stamped
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purposes of identification.)

(Thereupon, Plaintiffs' Exhibit 74
Number 9, Documents Bates Stamped
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purposes of identification.)

(Thereupon, Plaintiffs' Exhibit 90
Number 10, Document Bates Stamped
DIROSSI_0000527, was marked for
purposes of identification.)

(Thereupon, Plaintiffs' Exhibit 99
Number 11, Document Bates Stamped
DIROSSI_0000020, was marked for
purposes of identification.)

(Thereupon, Plaintiffs' Exhibit
Number 12, Document Bates Stamped 100
DIROSSI_0000021, was marked for
purposes of identification.)

(Thereupon, Plaintiffs' Exhibit
Number 13, Document Bates Stamped 101
LWVOH_00009706, was marked for
purposes of identification.)

(Thereupon, Plaintiffs' Exhibit 117
Number 14, Document Entitled Keep it
Secret - Keep it Safe, was marked for
purposes of identification.)

(Thereupon, Plaintiffs' Exhibit 121
Number 15, Document Bates Stamped
DIROSSI_0000038, was marked for
purposes of identification.)

(Thereupon, Plaintiffs' Exhibit 145
Number 16, Document Bates Stamped
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Number 18, Document Bates Stamped
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Number 19, Documents Bates Stamped
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for purposes of identification.)

(Thereupon, Plaintiffs' Exhibit 200
Number 20, File Produced in Native
Format Bates Stamped DIROSSI_0000526,
was marked for purposes of
identification.)

(Thereupon, Plaintiffs' Exhibit 219
Number 21, Documents Bates Stamped
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purposes of identification.)

(Thereupon, Plaintiffs' Exhibit 232
Number 22, Document Bates Stamped
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purposes of identification.)

(Thereupon, Plaintiffs' Exhibit 244
Number 23, Document Bates Stamped
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Number 24, Documents Bates Stamped
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Number 25, Document Bates Stamped
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Number 26, Documents Bates Stamped
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Number 38, Documents Bates Stamped
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Number 40, Document Bates Stamped
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purposes of identification.)

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2 (Thereupon, Plaintiffs' Exhibit 316
3 Number 41, File Produced in Native
4 Format Bates Stamped DIROSSI_0000525,
5 was marked for purposes of
6 identification.)

7 (Thereupon, Plaintiffs' Exhibit 323
8 Number 42, File Produced in Native
9 Format Bates Stamped DIROSSI_0000518,
10 was marked for purposes of
11 identification.)

1 APPEARANCES:

2 On behalf of the Plaintiffs:

3 American Civil Liberties Union
4 Foundation

5 By: T. Alora Thomas-Lundborg
6 Attorney at Law
7 125 Broad Street
8 New York, New York 10004

9 By: Freda Levenson
10 Attorney at Law
11 4506 Chester Avenue
12 Cleveland, Ohio 44103

13 Covington & Burling
14 By: Robert Fram
15 Attorney at Law
16 One Front Street
17 San Francisco, CA 94111

18 On behalf of the Defendants:

19 Ogletree, Deakins, Nash, Smoak &
20 Stewart
21 By: Phillip Strach
22 Attorney at Law
23 4208 Six Forks Road
24 Raleigh, North Carolina 27609
25

Ohio Attorney General

By: Steven Voigt

Principal Assistant Attorney General

30 East Broad Street

Columbus, Ohio 43215

The Ohio Senate

By: Frank Strigari

Chief Legal Counsel

Statehouse - Room 205

Columbus, Ohio 43215

On behalf of the Intervenors:

Baker & Hostetler

By: Robert Tucker

Attorney at Law

200 Civic Center Drive

Columbus, Ohio 43215

ALSO PRESENT:

Robert L. Miller, Videographer

* * *

1 THE VIDEOGRAPHER: We're on the
2 record.

3 MS. THOMAS-LUNDBORG: My name is
4 Alora Thomas, I'm from ACLU National, representing
5 the plaintiffs.

6 MR. FRAM: Robert Fram, Covington &
7 Burling, representing the plaintiffs.

8 MS. LEVENSON: Freda Levenson, ACLU
9 of Ohio, plaintiffs.

10 MR. STRACH: Phil Strach, Ogletree
11 Deakins, representing the legislative defendants.

12 MR. VOIGT: Steve Voigt, the Ohio
13 Attorney General's office, representing the
14 defendants.

15 MR. TUCKER: Rob Tucker, Baker
16 Hostetler, representing the intervenors.

17 MR. STRIGARI: Frank Strigari, legal
18 counsel for the Senate, on behalf of the
19 legislative defendants.

20 MR. VOIGT: Okay. And before we
21 begin, counsel had -- we had some discussions
22 about some logistical aspects, and I'm just going
23 to articulate what I think we agreed to, and then
24 Mr. Fram and Ms. Thomas can correct me or let me
25 know if their understanding is different.

1 So for this deposition and all
2 depositions going forward, the only objections
3 that are waived at the deposition are -- well,
4 actually, it would be different. Let's say for
5 discovery depositions. We might have a different
6 set of rules for a trial deposition. But the only
7 -- actually, maybe for that, too, I don't know.

8 For discovery depositions, let's just
9 focus on that, discovery depositions, the only
10 objection that would be waived, if not made here,
11 would be an objection to form, and so an example
12 of that would be objection, compound question.
13 Now, it is also acceptable under the rules of
14 civil procedure to simply say objection, form, and
15 then if the counsel asking questions wants further
16 specification they're certainly welcome to ask for
17 it.

18 Now, objections that are preserved
19 and do not need to be made are objections to
20 substance. So, for example, objection, relevance,
21 we do not need to make relevance objections today.
22 Those are preserved until trial.

23 What was the other point we were
24 going to talk about?

25 MR. STRACH: Time.

1 MR. VOIGT: Oh, timing, okay, yes.

2 And we've also agreed that objections do not count
3 toward each side's allotted time, so each side in
4 this case has been allotted a certain amount of
5 time. If Mr. Strach makes an objection today, and
6 let's say there's some discussion about that that
7 lasts five minutes, that five-minute time does not
8 count toward the plaintiffs' overall time. Same
9 thing the other way around, when -- if we are on
10 Cross-Examination and the plaintiffs' attorneys
11 are making an objection, that objection does not
12 count toward the defendants' allotted time.

13 Does that accurately --

14 MS. THOMAS-LUNDBORG: Yes, it does.

15 MR. FRAM: As far as there are two
16 additions, though, that I wanted to throw in.

17 So Redirect by a party representing
18 the witness or by an intervenor would not count
19 against the party taking the deposition's time and
20 be charged against the other side's time. That's
21 the first thing.

22 And, second, I would ask that the
23 rule on preserving objections apply to all
24 depositions so that we don't disrupt the
25 depositions. Even if someone is calling something

1 a trial deposition, I think we should just agree
2 that there will be a time to submit relevance and
3 hearsay objections after the fact. They're not
4 particularly curable at the deposition anyway.
5 They are what they are.

6 And that way, say, if Phil is asking
7 a question of a witness, I don't have to sit there
8 and object all day on relevance or hearsay. We
9 can just put that on paper to the court down the
10 road at a given time.

11 MR. VOIGT: Let's cross that bridge
12 when we get --

13 MR. FRAM: Okay. It's coming up
14 soon, though, because if I'm going to do it for
15 next week's deposition of Ms. Blessing, it would
16 be good to know in advance. My preference is not
17 to be -- not to be objecting all the time like
18 that.

19 MR. VOIGT: I understand, but Phil
20 and I -- I would like to talk about that
21 beforehand, but right now we have a discovery
22 deposition.

23 MR. FRAM: I would appreciate it if
24 you could let me know on Wednesday at the
25 conclusion of the Blessing deposition so we can

1 plan in advance for Day 2.

2 MR. VOIGT: Understood, understood.
3 And everything else that you said is accurate from
4 my perspective.

5 MR. STRACH: All right. Let me make
6 one more. So this is Phil Strach. The only other
7 thing I wanted to put on the record is we have
8 sent an email to the plaintiffs asking for their
9 consent to amend the protective order to protect
10 the videotape that's taken in these depositions
11 from being used outside the case. The plaintiffs
12 have not had a chance yet to get back to us on
13 that, and so to err on the side of caution, we're
14 designating this deposition as confidential under
15 the protective order and we will do the same for
16 Wednesday's deposition depending on the status of
17 that discussion.

18 MS. THOMAS-LUNDBORG: I think we're
19 ready to swear in the witness.

20 Can you please state your name for
21 the -- just swear in the witness.

22 THE NOTARY: If you'll raise your
23 right hand, please.

24 RAYMOND E. DIROSSI
25 of lawful age, Witness herein, having been first

1 RAYMOND E. DiROSSI

2 duly cautioned and sworn, as hereinafter
3 certified, was examined and said as follows:

4 CROSS-EXAMINATION

5 BY MS. THOMAS-LUNDBORG:

6 Q. Good morning.

7 A. Good morning.

8 Q. Please state your name for the
9 record.

10 A. Raymond Edward DiRossi.

11 Q. And what is your address?

12 A. 5732 Springburn Drive, Dublin,
13 Ohio, 43017.

14 Q. And do you understand that you're
15 under oath today?

16 A. I do.

17 Q. And you understand that's the same
18 oath that you would take at a trial?

19 A. I do.

20 Q. Okay. We've already introduced
21 ourselves for the record, so we'll skip over
22 that part.

23 Have you been deposed before?

24 A. Yes.

25 Q. And when was that?

1 RAYMOND E. DiROSSI

2 A. 2012.

3 Q. And what case was that in?

4 A. I believe -- I'm not an attorney,
5 but I believe it was Wilson v. Kasich.

6 Q. Okay. So let's go through --
7 you're probably aware of the rules of
8 deposition from your prior deposition, but
9 let's just go through some of the ground rules
10 very quickly.

11 I need a verbal response from you
12 for any question. Do you understand that?

13 A. Yes.

14 Q. Also, so the record is clear,
15 let's not talk over one another. And if you
16 don't understand a question of mine, just ask
17 me to repeat it and I will repeat or rephrase
18 the question.

19 A. Okay. Thank you.

20 Q. If you need to take a break, just
21 tell me, and there may be certain questions
22 that your counsel instructs you not to answer
23 today. You should answer my question, if you
24 can, unless it's a question of privilege.

25 A. Okay.

1 RAYMOND E. DiROSSI

2 Q. Okay. Throughout the deposition

3 --

4 All right. Is there any reason

5 why you can't testify today, anything that is

6 hindering your ability to testify truthfully?

7 A. No.

8 Q. Are you on any medications, any
9 medications that would affect your ability to
10 testify?

11 A. No.

12 Q. Throughout the deposition I'll be
13 referring to the Ohio redistricting. Unless I
14 specify otherwise, I'm referring to the
15 redistricting that happened in 2011. Do you
16 understand that?

17 A. You're talking about congressional
18 redistricting, not --

19 Q. Congressional redistricting, yes.

20 A. -- legislative, okay.

21 Q. Did you meet with your lawyers to
22 prepare today?

23 A. Yes.

24 Q. Did you do anything else to
25 prepare?

1 RAYMOND E. DiROSSI

2 A. I produced documents at the
3 request of either you or the court. I reviewed
4 some of those documents. I met with attorneys.

5 Q. Okay. Great. Do you understand
6 that you're here pursuant to a subpoena?

7 A. Yes.

8 (Thereupon, Plaintiffs' Exhibit
9 Number 1, Subpoena to Testify at a Deposition in a
10 Civil Action, was marked for purposes of
11 identification.)

12 BY MS. THOMAS-LUNDBORG:

13 Q. If we could turn to Number 1 in
14 your exhibit book. I'm having this document
15 marked as Exhibit 1. It is the subpoena for
16 the testimony of Raymond DiRossi. If you take
17 a quick moment to review, is this subpoena the
18 one that you understand that you're here for?

19 A. Is this the one that I signed?

20 MR. STRACH: No, this is different.

21 BY MS. THOMAS-LUNDBORG:

22 Q. This is just a subpoena for your
23 testimony. Did you see it before today?

24 A. I mean, I was delivered one --

25 Q. Okay.

1 RAYMOND E. DiROSSI

2 A. -- and I signed it. This doesn't
3 have a signature on it, so I don't know if this
4 is exactly the one I signed.

5 Q. Okay. Fair enough. We'll move
6 on. It's already been marked for the record.

7 So let's just go a little bit into
8 your background. I know you've been deposed
9 before, so you should be used to this question.
10 Could you give us a brief summary of your
11 educational background?

12 A. I went to Firestone High School in
13 Akron, Ohio, where I was born and raised, four
14 years in high school. Left Akron to go to Ohio
15 State University, pursued degrees in finance
16 and marketing in the business college, and
17 graduated in '94 with a double major in finance
18 and marketing.

19 Q. Did you do any education after
20 your degrees that you just mentioned in finance
21 and marketing?

22 A. No.

23 Q. Do you hold any special
24 certifications?

25 A. Such as like --

1 RAYMOND E. DiROSSI

2 Q. Such as an accounting
3 certification, a certification for like a CPA,
4 anything that would be a special designation.

5 A. Do not.

6 Q. What jobs have you held since
7 graduating from Ohio State?

8 A. Well, at the time of graduating
9 and during school I was employed in the
10 legislature in a number of capacities, so
11 following graduation I was employed as a
12 legislative aide in the Ohio Senate for a
13 senator from the Dayton area, Montgomery
14 County.

15 Q. And who was that senator?

16 A. Senator Charles Horn.

17 Q. And which party is Charles Horn
18 from?

19 A. He is a -- he was a member of the
20 Republican party.

21 Q. Okay. And after working for
22 Senator Horn, what did you do next?

23 A. I was promoted, I guess you would
24 say, and moved to the caucus staff where I
25 worked on tax policy and economic development

1 RAYMOND E. DiROSSI

2 policy. Then I became the deputy finance
3 director in the Ohio Senate working on, again,
4 tax policy, budget policy and economic
5 development policy.

6 I left the Ohio Senate in 2005 --

7 Q. May I interrupt you for a second?

8 A. Sure.

9 Q. Before leaving the Ohio Senate,
10 during those two jobs that you just mentioned
11 at the Senate, which party were you working
12 for?

13 A. I was working for the majority
14 caucus.

15 Q. And the majority caucus at the
16 time was?

17 A. Republican caucus.

18 Q. Okay. You may proceed.

19 A. I went to work -- there was an
20 opportunity to be a budget director in the
21 House of Representatives and so I took that
22 position for four years from 2005 through 2000
23 and -- 5, 6, 7 and 8.

24 Q. And who were you working for at
25 the time?

1 RAYMOND E. DiROSSI

2 A. That would have been the Speaker
3 of the Ohio House.

4 Q. And who was that at the time?

5 A. Jon Husted.

6 Q. And which party is Mr. Husted
7 from?

8 A. Republican.

9 Q. And after working for the speaker,
10 what did you do next?

11 A. Well, the -- the legislature
12 changed hands after the 2008 elections and the
13 Democrats took control of the Ohio House, so my
14 services were no longer needed and so I left
15 and formed my own LLC.

16 Q. And what is the name of that LLC?

17 A. Capital Advantage, LLC.

18 Q. And what did you do as Capital
19 Advantage, LLC?

20 A. I engaged in consulting --
21 consulting business in and around Capitol
22 Square.

23 Q. Okay. And what type of consulting
24 did you do?

25 A. I was initially hired to be a

1 RAYMOND E. DiROSSI

2 fundraiser for the campaign arm of the Senate.

3 Q. And what did you do as a
4 fundraiser for the campaign arm of the Senate?

5 And by --

6 A. Raising dollars for the campaign
7 committee to run elections.

8 Q. And which campaign committee is
9 this?

10 A. Would have been the Republican
11 Senate Campaign Committee.

12 Q. And how long did you do that?

13 A. Well, so it's kind of some starts
14 and stops, so it's kind of hard to say exactly.

15 Q. To the best of your recollection.

16 A. The question was how long did I do
17 that for? What was your question? Sorry.

18 Q. How long did you work for the
19 fundraising arm as a consultant?

20 A. Let's see --

21 Q. You said you started in 2008.

22 A. I had starts and stops where I
23 wasn't doing that anymore, but I stopped doing
24 that in 2015, in December of '14.

25 Q. Okay.

1 RAYMOND E. DiROSSI

2 A. And then in January of '15 I

3 resumed my -- or started my current position

4 with the Ohio Senate.

5 Q. So let me ask you a question about

6 these starts and stops. When you would stop

7 working for the campaign arm, what did you do

8 during those periods?

9 A. That was when the -- well, the

10 State of Ohio was going through its

11 apportionment and redistricting processes that

12 it goes through once every decade.

13 Q. Is that the only time that you

14 stopped?

15 A. Yes.

16 Q. And then after you stopped to do
17 apportionment and redistricting, at what point
18 did you start your campaign finance work again?

19 A. I don't recall the specific date
20 of when I started up. It was a very atypical
21 process that didn't have really a defined
22 stopping point.

23 Q. In your recollection did you start
24 immediately after the campaign redistricting
25 and apportionment work was done going back to

1 RAYMOND E. DiROSSI

2 finance, or was there a break in between those
3 two periods?

4 A. I don't remember the specific
5 dates. Sorry.

6 Q. Okay. And you said since 2015
7 you've been in the Senate; is that correct?

8 A. Yes.

9 Q. And what have you been doing
10 there?

11 A. The position was open to be the
12 budget director in charge of the finance tax
13 policy and budgets with the --

14 Q. And who do you work -- I'm so
15 sorry.

16 A. With the Ohio Senate.

17 Q. And is that a job with a
18 particular caucus or is that for the Senate in
19 general?

20 A. It's a job with the Senate
21 majority caucus.

22 Q. And who is that --

23 A. Who is --

24 Q. -- for the record, please?

25 A. Who is?

1 RAYMOND E. DiROSSI

2 Q. Who is the Senate majority caucus
3 currently that you're working for?

4 A. The president is Larry Obhof.

5 Q. Larry Obhof. And which party is
6 that?

7 A. I believe he's -- he's a
8 Republican.

9 Q. Thank you.
10 Have you ever worked for a
11 Democrat?

12 A. Yeah, so I -- at one point when I
13 was between everything we just talked about, I
14 was appointed to work for the -- as a board and
15 commission member for the Department of
16 Transportation.

17 Q. And when was that?

18 A. Sitting here, I don't recall the
19 specific dates. It was over four years and the
20 director was Director Janet Molitoris, who was
21 appointed by the -- by Governor Strickland, a
22 Democrat.

23 Q. And so you said you had that
24 position for four years?

25 A. More or less. Not specifically

1 RAYMOND E. DiROSSI

2 four years, but more or less four years.

3 Q. Was that before or after you did
4 apportionment and redistricting?

5 A. I think technically it was before,
6 during and after.

7 Q. Before, during and after?

8 A. Yes.

9 Q. Okay. And were you appointed to
10 this position or did you apply and then were --
11 gained the position that way?

12 A. I was appointed.

13 Q. And who were you appointed by?

14 A. The Senate president.

15 Q. And who was the Senate president
16 at the time?

17 A. President Bill Harris.

18 Q. And which party is Bill Harris
19 from?

20 A. He was a member of the Republican
21 party, now deceased.

22 Q. Thank you.

23 So we've talked a little bit about
24 the jobs that you had and we've talked about
25 the break that you took from consulting.

1 RAYMOND E. DiROSSI

2 Actually, strike that.

3 Going back to this Department of
4 Transportation position that you had, did you
5 work on consulting while you were in that
6 position or did you take a break from
7 consulting during it?

8 A. While.

9 Q. You were consulting while you were
10 in that position, okay.

11 So we've talked about the break
12 that you took from consulting when you were
13 working on redistricting and apportionment in
14 2011. Did you work on redistricting and
15 apportionment at any other period?

16 A. In the previous decade I worked on
17 both.

18 Q. Okay. And so is that the 2001
19 redistricting effort?

20 A. Yes.

21 Q. And can you describe some of the
22 work that you did as part of that effort?

23 A. Sure. I mean, very, very similar
24 effort against -- I'm trying not to mix, as you
25 said, the apportionment and the redistricting

1 RAYMOND E. DiROSSI

2 because they're kind of intertwined.

3 Constitutional restrictions that applied to the
4 apportionment, very specific, so in order to
5 produce all of the necessary documentation for
6 the apportionment board to consider to complete
7 its constitutional obligations, and then also
8 preparing proposals for the districts for the
9 legislature to consider in the redistricting.

10 Q. And while you were doing that
11 work, were you working on behalf of a
12 particular party or were you working on a
13 bipartisan basis in 2001?

14 A. I was a member of -- I was a
15 member of the Senate staff, so I was a state
16 employee at the time.

17 Q. And you were a member of the
18 Senate staff. Which position was that that you
19 held at the time? You held several positions.

20 A. Yeah, I don't recall my specific
21 title at the time.

22 Q. Do you recall -- and I believe
23 your Senate work was for the majority caucus,
24 though; is that correct, in 2001?

25 A. Yes.

1 RAYMOND E. DiROSSI

2 Q. And that was the Republican caucus
3 at the time?

4 A. (Witness nodded head up and down.)

5 Q. Did you receive any training prior
6 to the 2001 redistricting effort regarding
7 redistricting or apportionment?

8 A. I attended a two- or three-day
9 seminar to learn about GIS software and how we
10 would be using GIS software for the coming
11 decennial processes.

12 Q. Did you have any other training?
13 And again, I'm just talking about the 2001
14 period.

15 A. No.

16 Q. For the 2011 period did you
17 receive any additional training in
18 redistricting and apportionment?

19 A. No.

20 Q. Do you recall that you attended an
21 NCSL training at some point?

22 A. Which decade are you talking
23 about?

24 Q. I believe, and this is just based
25 on prior testimony that you've given, that you

1 RAYMOND E. DiROSSI

2 attended a training in 1998. Is that the
3 training, the two- or three-day training?

4 A. 1998, I believe, was when I was
5 trained on the GIS software.

6 Q. Okay.

7 A. That was not NCSL.

8 Q. That was not NCSL. Who gave that
9 training?

10 A. I don't recall. Boy, that's a
11 long time ago, 20 years ago.

12 Q. Did you ever attend an NCSL
13 training?

14 A. Yeah. Well, I've attended NCSL
15 conferences, but I guess I wouldn't call them
16 training.

17 Q. And have any of those conferences
18 been on redistricting and apportionment?

19 A. Yes.

20 Q. Do you recall which ones?

21 A. I remember attending -- going to
22 Vermont during the '01 process for seminars and
23 speeches and presentations, and that's the only
24 specific one I remember the location of.

25 Q. But there are others that you're

1 RAYMOND E. DiROSSI

2 just not recalling today or do you believe that
3 was the only one that you've attended?

4 A. There are others I cannot recall
5 the locations of.

6 Q. Do you have an idea of roughly how
7 many other NCSL conferences related to
8 redistricting and apportionment that you
9 attended?

10 A. Three, four.

11 Q. And when do you think the latest
12 one of those was?

13 A. Would have been sometime prior to
14 the 2011 process.

15 Q. Do you think it was in 2011 or
16 earlier?

17 A. I couldn't say.

18 Q. And on those NCLS (sic)
19 conferences, were there subjects other than GIS
20 that you learned about or was it just GIS?

21 A. There were other -- other subject
22 matters.

23 Q. Do you recall what they would have
24 been?

25 A. Presentations by the Census Bureau

1 RAYMOND E. DiROSSI

2 on how various states were getting ready for
3 the census, if there were any changes that were
4 happening at the federal level on how census
5 data was being collected or disseminated to the
6 states. Endless presentations on what the
7 current legal cases might be that would affect
8 the various states, whether it was their
9 apportionment or redistricting processes.

10 Q. Okay. Were there any other
11 conferences or trainings that you attended
12 where you learned about apportionment or
13 redistricting?

14 A. None that I recall.

15 Q. At any of these trainings did you
16 discuss Ohio constitutional issues or were they
17 only federal in nature?

18 A. I mean, I can't -- I can't recall
19 specifically if any of the presentations were
20 specific -- mentioned Ohio.

21 Q. Okay.

22 A. I don't recall.

23 Q. At any of these trainings did you
24 discuss gerrymandering that you recall?

25 A. No.

1 RAYMOND E. DiROSSI

2 (Thereupon, Plaintiffs' Exhibit
3 Number 2, Subpoena to Produce Documents,
4 Information, of Objects or to Permit Inspection of
5 Premises in a Civil Action, was marked for
6 purposes of identification.)

7 BY MS. THOMAS-LUNDBORG:

8 Q. I would like to show you a
9 document that I'm having marked as Exhibit 2
10 for the record. It is a subpoena for documents
11 dated July 13th, 2018. Do you recall having
12 received this subpoena?

13 A. This one looks a little more
14 familiar because I recognize that my address is
15 incorrect.

16 Q. Okay. Did you provide documents
17 in response to this subpoena?

18 A. Yes.

19 Q. Now, the subpoena specifically
20 requested documents relating to the 2011
21 redistricting. Did you provide documents
22 related to the 2011 redistricting?

23 A. Yes.

24 Q. Did you retain any emails from
25 that period?

1 RAYMOND E. DiROSSI

2 A. Any that I had in the various
3 electronic and hard copy resources that I
4 searched to be responsive, I turned over.

5 Q. And what email addresses did you
6 search?

7 A. The only one that I would have had
8 at the time, which would be my Gmail, my
9 personal Gmail account.

10 Q. And can you state what that
11 address is for the record, please?

12 A. Sure. RayDiRossi@Gmail.com.

13 Q. As you sit here today do you
14 recall having retained any emails from that
15 period?

16 A. So you're talking from, seven,
17 eight years ago?

18 Q. That's correct.

19 A. That decade?

20 Q. Everyone has different email
21 policies. I just want to know what yours are.

22 A. Yeah, and I searched and any
23 documents that I had I turned over, but --

24 Q. So my question was, do you recall
25 having had any emails from that period?

1 RAYMOND E. DiROSSI

2 A. When I was complying with the
3 subpoena?

4 Q. Yes, that's correct.

5 A. I don't believe so, no.

6 Q. Okay. Did you retain any notes
7 from that period?

8 A. I don't know what you mean by
9 notes.

10 Q. However you would define notes.

11 A. Anything that I had --

12 Q. Collections of your thoughts.

13 A. Anything that I had from the
14 various sources that I reviewed, I turned over.

15 Q. My question is, do you recall
16 having in your possession notes from that
17 period?

18 MR. STRACH: Objection to form.

19 Go ahead.

20 THE WITNESS: What I think of as
21 notes is like handwritten notes. I didn't have
22 anything like that.

23 BY MS. THOMAS-LUNDBORG:

24 Q. Did you have any notes on your
25 computer from that period?

1 RAYMOND E. DiROSSI

2 MR. STRACH: Objection. Form.

3 THE WITNESS: I mean, if I had it, I
4 turned it over.

5 BY MS. THOMAS-LUNDBORG:

6 Q. Again, do you recall having notes
7 on your computer?

8 MR. STRACH: Objection to form.

9 THE WITNESS: Yeah, I mean, what I
10 think of notes, I did not have notes on my
11 computer.

12 BY MS. THOMAS-LUNDBORG:

13 Q. Okay. Did you retain any draft
14 maps from that period?

15 A. Yes.

16 Q. Do you recall how many draft maps
17 you had?

18 A. I don't recall the number. They
19 were turned over.

20 Q. Did you retain any political
21 indices from that period?

22 A. Any documents that I had that
23 related to redistricting, if they included any
24 aspect of redistricting, including any
25 historical election data that I had, I turned

1 RAYMOND E. DiROSSI

2 over.

3 Q. So my question is, do you recall
4 having in your possession when you received the
5 subpoena indices?

6 A. I believe so, yes.

7 Q. Did you retain any other
8 documentation related to redistricting, and if
9 you did, can you describe it?

10 MR. STRACH: Objection to form.

11 THE WITNESS: Can you restate your
12 question? I'm sorry.

13 BY MS. THOMAS-LUNDBORG:

14 Q. So did you have any other
15 documentation that I haven't already listed
16 related to redistricting in your possession
17 when you received the subpoena?

18 A. I mean, I had some calendars,
19 calendar items which were produced, I had a
20 number of copies of historical maps and current
21 maps that were produced. Some spreadsheets and
22 Word documents that I had created that I used
23 to help me understand and retain information,
24 those were produced.

25 (Thereupon, Plaintiffs' Exhibit

1 RAYMOND E. DiROSSI

2 Number 3, Documents Bates Stamped

3 LWVOH_00004033-4034, was marked for purposes

4 of identification.)

5 BY MS. THOMAS-LUNDBORG:

6 Q. All right. I'm going to show you
7 an exhibit that I'm having marked as Exhibit 3
8 for the record. It bears Bates number LV -- or
9 LWVOH-0004033. It is a letter from the Ohio
10 Campaign for Accountable Redistricting. It's
11 dated October 7th, 2011. It is from Jim
12 Slagle.

13 So I would like to point you to
14 the second paragraph. In it, Mr. Slagle says
15 -- oh, and do you see that this letter is --
16 strike the last part.

17 Do you see at the top this letter
18 is addressed to yourself and another person?

19 A. I do.

20 Q. Okay.

21 MR. STRACH: Can I interrupt for one
22 second? Do you need time to look at this?

23 THE WITNESS: Yeah, I mean, if you're
24 going to ask me any questions about it.

25 MS. THOMAS-LUNDBORG: Well, I will

1 RAYMOND E. DiROSSI

2 direct him to any portion that I'm going to ask.

3 If you would like to quickly just flip to see that
4 this is a document that is addressed to you and is
5 signed at the back.

6 MR. STRACH: Yeah, I would like him
7 -- if he needs it, I would like him to have a
8 chance to review the exhibit before he answers
9 questions about it, if he needs it.

10 MS. THOMAS-LUNDBORG: Okay. Again, I
11 think anything that I'm going to have him answer
12 to he'll be directed to specifically.

13 MR. STRACH: And that's fine, so long
14 as he's had a chance to review it, and then you
15 can direct him wherever you like.

16 Let her know when you're ready.

17 THE WITNESS: Okay. Depending on
18 your question I might need a little more time, but
19 I'm generally familiar with it now.

20 BY MS. THOMAS-LUNDBORG:

21 Q. Okay. You have all the time that
22 you need.

23 So I would like to direct you to
24 the second paragraph. In it, Mr. Slagle says,
25 in preparation for this report I'm requesting

1 RAYMOND E. DiROSSI

2 that you provide copies of the following public
3 records which pertain to the recently completed
4 redistricting or reapportionment process.

5 Do you recall having received a
6 public records request back in October of 2011?

7 A. I do.

8 Q. Okay. Did you provide documents
9 in response to this public records request?

10 A. I did.

11 Q. Did you provide emails in response
12 to this public record request?

13 A. I did.

14 Q. And what email address did you
15 use?

16 A. The only one I had,
17 RayDiRossi@Gmail.com.

18 Q. And what method did you use to
19 produce email at that time; do you recall?

20 A. I don't recall the specific
21 method. I don't recall.

22 Q. Were you generally responsible for
23 helping to coordinate documents related to the
24 public records request, the production of
25 documents?

1 RAYMOND E. DiROSSI

2 MR. STRACH: Objection to form.

3 You can answer if you can.

4 THE WITNESS: Yeah, I don't know what

5 you mean. I mean, I was asked to provide them so

6 I obviously searched my records to be responsive,

7 but I -- I don't know. I wasn't the coordinator.

8 BY MS. THOMAS-LUNDBORG:

9 Q. Okay. Who was the coordinator?

10 A. I think the staff of the -- the
11 staff of the Ohio House was serving as the
12 coordinator for public records requests.

13 Q. Okay. So let's go over just the
14 documents that were requested at the time. If
15 you look at the second bullet - I'm just going
16 to skip over the ones that deal with
17 apportionment - it requests all written
18 communication, including emails, with members
19 of the apportionment board or their staffs
20 relevant to redistricting or apportionment
21 during the period from July 1st, 2011 to
22 October 5th, 2011. Do you see that?

23 A. I do.

24 Q. Did you give documents responsive
25 to this request? Just this bullet that we were

1 RAYMOND E. DiROSSI

2 talking about.

3 A. Yeah, again, I don't -- I provided
4 emails. I don't know if they were specifically
5 because of this bullet or some of -- any of the
6 other bullets on here.

7 Q. Well, did you provide emails with
8 the apportionment board or their staff that
9 related to redistricting?

10 A. So you're using the apportionment
11 board or the redistricting, which I'm confused
12 as to --

13 Q. I'm just going with the bullet
14 because the bullet asks for communications with
15 members of the apportionment board or their
16 staffs, but related to redistricting and
17 apportionment.

18 A. Okay. You're just tripping me up
19 because you said you wanted to ignore the
20 apportionment stuff.

21 Q. This particular bullet asked for
22 documents relating to redistricting and
23 apportionment, but it does mention the
24 apportionment board. So did you provide emails
25 that you had with any members of the

1 RAYMOND E. DiROSSI

2 apportionment board related to redistricting?

3 A. I'm sorry. You're mixing the two.
4 I do not believe the way you're asking the
5 question I would have had any emails
6 specifically to your question.

7 Q. Okay. I'm just asking the
8 question just in the bullet.

9 A. I know there's a lot of common
10 terms and they're used interchangeably, but
11 they mean certain things obviously.

12 Q. Okay. Did you provide emails to
13 the members of the governor's staff related to
14 redistricting?

15 A. Can you ask that question again,
16 state that again?

17 Q. Did you provide emails with the
18 governor's staff related to redistricting?

19 A. I can't recall.

20 Q. Okay. Did you provide emails with
21 the Secretary of State staff related to
22 redistricting?

23 A. I can't recall. It was a long
24 time ago.

25 Q. Did you provide emails with the

1 RAYMOND E. DiROSSI

2 president of the Senate staff related to
3 redistricting?

4 A. That I -- that I would have, yes.

5 Q. Okay. Did you provide emails with
6 the Speaker of the House's staff related to
7 redistricting?

8 A. Yes.

9 Q. Did you provide emails with the
10 Senate minority leader related to
11 redistricting?

12 A. You're asking specifically about
13 emails?

14 Q. Yes.

15 A. No.

16 Q. Did you provide emails with the
17 House minority leader related to redistricting?

18 A. No.

19 Q. Okay. The next bullet asks for -
20 and I'm turning to the next page of the exhibit
21 - all written communication, including emails,
22 with members of the Ohio legislature or their
23 staffs relevant to redistricting or
24 apportionment during the period from July 1,
25 2011 to October 5th, 2011. Do you see that?

1 RAYMOND E. DiROSSI

2 A. I do.

3 Q. Did you provide emails responsive
4 to this request?

5 A. Yes.

6 Q. The next bullet asks for all
7 documentation, including letters, emails, memos
8 and notes, of comments, suggestions, requests
9 for changes or other input on proposed
10 legislative districts, draft redistricting maps
11 or final maps, other than which was provided
12 during public hearings or meetings. Do you see
13 that request?

14 A. I do.

15 Q. Did you provide documents
16 responsive to this request?

17 MR. STRACH: Objection. Form.

18 THE WITNESS: Yes.

19 BY MS. THOMAS-LUNDBORG:

20 Q. Okay. I'm going to skip the next
21 bullet because it's not relevant. Then the
22 following bullet says copies of all draft maps
23 and redistricting or apportionment plans,
24 whether for the entire state, portions of the
25 state or individual districts, which were

1 RAYMOND E. DiROSSI

2 prepared by you or others. Do you see that?

3 A. I do.

4 Q. Did you provide documents in
5 response to this request?

6 A. Again, documents could mean many,
7 many things.

8 Q. Just as it's defined in the
9 bullet.

10 A. Well, that's not exactly precise.
11 I did provide redistricting maps.

12 Q. Okay. The last bullet asks for
13 all documentation pertaining to the
14 dissemination of draft maps or plans and all
15 documentation regarding any response to draft
16 maps or plans. Do you see that?

17 A. I do.

18 Q. Did you provide documents in
19 response to that request?

20 A. Again, at the time in 2011,
21 anything that would have been responsive to any
22 of these bullet points, the ones you mentioned
23 or the ones you skipped, I turned over. I
24 don't recall if I specifically turned anything
25 over with regard to this last bullet.

1 RAYMOND E. DiROSSI

2 Q. Okay. At the time in 2011 did you
3 retain more documents related to redistricting
4 than you have now?

5 A. Can you say that again, please?

6 Q. Yes. When you received this
7 request, did you have more documents in your
8 possession related to redistricting than you do
9 now?

10 A. Yes.

11 Q. Going back to the first page, the
12 letter says the Ohio Campaign for Accountable
13 Redistricting will be preparing a transparency
14 report regarding the recently completed
15 congressional and state legislative
16 redistricting process.

17 At the time that you received this
18 request did you understand that the documents
19 you were providing might make it into a report?

20 A. I didn't even think about it. It
21 was a public records request and so I provided
22 whatever was responsive.

23 Q. Did you read the letter before
24 providing the documents?

25 A. Yes.

1 RAYMOND E. DiROSSI

2 Q. And the letter states that the
3 documents are for a transparency report,
4 correct?

5 A. Yeah. I don't know what that
6 means. At the time I didn't know what that
7 meant.

8 Q. Okay. But you did read the
9 letter?

10 A. Uh-huh.

11 Q. If you could turn the page,
12 please, to the last page. The letter copies a
13 Michael Lenzo. Do you know Michael Lenzo?

14 A. I do.

15 Q. Who is Michael Lenzo?

16 A. The majority legal counsel in the
17 House.

18 Q. And what was Michael Lenzo's role
19 in the redistricting process?

20 A. He was the majority legal counsel
21 in the House.

22 Q. Okay. Did he have any specific
23 job duties during the redistricting process?

24 A. Not that I could speak to that I
25 would know.

1 RAYMOND E. DiROSSI

2 Q. Okay. You mentioned that you were
3 deposited in the past and that that deposition
4 was Wilson v. Kasich; is that right?

5 A. Yes.

6 Q. And did that deposition regard
7 apportionment or redistricting?

8 A. It was apportionment.

9 Q. And were there any overlaps
10 between apportionment and redistricting at the
11 time?

12 A. Please clarify in which way
13 overlaps.

14 Q. Did you use any of the same
15 processes as part of apportionment and
16 redistricting as far as drawing the map, for
17 example?

18 MR. STRACH: Objection to form.

19 Go ahead.

20 THE WITNESS: Yeah, you have to
21 clarify a little more. Like I used the same
22 computers.

23 BY MS. THOMAS-LUNDBORG:

24 Q. You used the same computers. Did
25 you use the same software?

1 RAYMOND E. DiROSSI

2 A. You're talking about this current
3 decade?

4 Q. I'm talking about 2011.

5 A. Yes.

6 Q. Did you use the same political
7 indices?

8 MR. STRACH: Objection to form.

9 THE WITNESS: Yeah, that's -- we had
10 historical election data that we had available to
11 us.

12 BY MS. THOMAS-LUNDBORG:

13 Q. Okay. For both processes?

14 A. For both processes.

15 Q. Were --

16 A. But everybody used and everybody
17 had their own opinion about what historical
18 information was relevant, so it really was
19 messy.

20 Q. Were the maps drawn in the same
21 location, apportionment and redistricting?

22 A. Technically, no, because there
23 were multiple maps.

24 Q. Okay. We'll get to that.

25 During the -- during the

1 RAYMOND E. DiROSSI

2 deposition, the prior deposition, were you
3 represented by counsel?

4 A. I was.

5 Q. And were you shown documents at
6 that deposition?

7 A. I was.

8 Q. And some of those documents were
9 marked as exhibits?

10 A. I believe so.

11 Q. So kind of moving on from
12 documents, I would like to go back to
13 redistricting and talk a little bit in more
14 detail about the 2011 redistricting. Okay?

15 When did you start working on
16 redistricting in 2011?

17 A. What do you mean by working on?

18 Q. When did you start thinking about
19 and doing things in preparation for the 2011
20 cycle?

21 MR. STRACH: Objection to form.

22 THE WITNESS: Yeah, so when did I
23 start thinking about it? I mean, I --

24 BY MS. THOMAS-LUNDBORG:

25 Q. And doing things in preparation,

1 RAYMOND E. DiROSSI

2 so not just thinking in the abstract, but
3 actually putting some of your thoughts into
4 action.

5 MR. STRACH: Objection to form.

6 THE WITNESS: Yeah, there was a lot
7 of logistical thought that went into the processes
8 for both apportionment and redistricting that
9 would be forthcoming that would have happened in
10 2011.

11 BY MS. THOMAS-LUNDBORG:

12 Q. And when did those start?

13 A. I don't recall specific dates,
14 months, timelines.

15 Q. Okay. Do you recall whether it
16 started in early 2011, let's say January and
17 February of 2011?

18 MR. STRACH: Objection to form.

19 THE WITNESS: I couldn't be that
20 specific.

21 BY MS. THOMAS-LUNDBORG:

22 Q. Okay. Do you recall having
23 attended an NCSL seminar in 2011?

24 A. I attended an NCSL, but I do not
25 recall if it was in 2011 or earlier.

1 RAYMOND E. DiROSSI

2 Q. Okay. This is -- and I'm not
3 putting this in the record. This is your prior
4 deposition in Wilson v. Kasich. If you can
5 turn to page 42 and I'm looking at lines 10
6 through 11.

7 A. You said page -- I'm sorry, which
8 page?

9 Q. Page 42.

10 A. Okay.

11 Q. So you were asked a series of
12 questions here and this is about apportionment,
13 but as we said, there's been some overlap
14 between the two, and so just read the question
15 starting at 7 down through the answer on 12.
16 If you want to read the full answer, you can.

17 A. Okay.

18 Q. Does this refresh your
19 recollection about whether you attended an NCSL
20 training in 2011?

21 A. Well, so obviously this was seven
22 years ago, so I obviously had better
23 recollection of when and where that NCSL was.
24 So in 2011 when I gave this deposition, January
25 of 2012, if I said it was in Washington D.C. in

1 RAYMOND E. DiROSSI

2 January, then that's most likely when it was.

3 Q. Okay. Do you recall whether you
4 were paid to go to the seminar?

5 MR. STRACH: And if you need to take
6 time to read forward a little bit --

7 THE WITNESS: Yeah.

8 MR. STRACH: -- feel free to do that.

9 BY MS. THOMAS-LUNDBORG:

10 Q. You can start at page 43, line 12,
11 and then I think the answer continues on page
12 44 up to line 2.)

13 A. It sounds like that's your answer.

14 Q. Well, I need the answer for the
15 record. Were you paid to go to the NCLS (sic)
16 training?

17 MR. STRACH: Objection to form. Be
18 sure and distinguish what you remember now versus
19 what you remembered then, if there's any
20 difference.

21 THE WITNESS: Yeah, I mean, I don't
22 have a specific recollection of that now, but I'm
23 obviously looking at a deposition that I gave
24 seven years ago, so it's -- I mean, I don't recall
25 right now how the -- sitting here without this aid

1 RAYMOND E. DiROSSI

2 that you gave me, I don't recall how the travel
3 was paid for, if I paid for it, if it was
4 reimbursed or who did.

5 BY MS. THOMAS-LUNDBORG:

6 Q. So this does not refresh your
7 recollection about whether you were paid to go
8 to this training?

9 A. Well, now looking at the
10 deposition, I said seven years ago I don't
11 specifically recall if I paid for it and was
12 reimbursed or if it was paid for on my behalf,
13 so this does not help refresh my recollection.

14 Q. Well, you've read part of it for
15 the record, so I'll go on and read the rest of
16 it. Would it have been a representative
17 organization or some other, is that fair to
18 say, this is the bottom of page 43, and then on
19 the following page, 44, yeah, I believe it was
20 the Republican Senate Campaign Committee.

21 You said at the time that you were
22 a consultant for the Republican Senate Campaign
23 Committee?

24 A. When is this? This is 2000 and --

25 Q. '11.

1 RAYMOND E. DiROSSI

2 A. '11, yes.

3 Q. Okay.

4 A. I mean, I said -- seven years ago

5 I said I believe, so that was the best

6 recollection of that that I had then. I don't

7 have any better recollection of it now.

8 Q. But you were working for the

9 Republican Senate campaign at the time as a

10 consultant, correct?

11 A. Yes.

12 (Thereupon, Plaintiffs' Exhibit
13 Number 4, Document Bates Stamped LWVOH_00009711,
14 was marked for purposes of identification.)

15 BY MS. THOMAS-LUNDBORG:

16 Q. I'm having marked for the record a
17 document that I'm having marked as Exhibit 4.
18 It bears Bates numbers LWVOH-0008711, and at
19 the top it says discussion points for Mark
20 Braden meeting, Thursday, May 12th, 2011.

21 Do you recall attending a
22 redistricting meeting in May 2011?

23 A. I do not.

24 (Thereupon, Plaintiffs' Exhibit

25 Number 5, Document Bates Stamped DIROSSI_0000017,

1 RAYMOND E. DIROSSI

2 was marked for purposes of identification.)

3 BY MS. THOMAS-LUNDBORG:

4 Q. I would like to move to the next
5 exhibit that I'm having marked for the record.
6 It bears Bates number DIROSSI-000017. It is
7 what purports to be a calendar entry, subject,
8 Redistricting: Software Demo - Maptitude. Do
9 you see that?

10 A. I do see that.

11 Q. Is this Bates number the number
12 convention, to your knowledge, for documents
13 that you produced?

14 A. I don't know what Bates -- I don't
15 know what that means.

16 Q. The number at the bottom. Does
17 this look like a document that you produced to
18 us?

19 MR. STRACH: I can tell you it was.
20 He has no idea how we Bates numbered them.

21 MS. THOMAS-LUNDBORG: Okay. Thank
22 you.

23 BY MS. THOMAS-LUNDBORG:

24 Q. So this purports to be a May 31st,
25 2011 calendar entry. Do you see that?

1 RAYMOND E. DiROSSI

2 A. Yes.

3 Q. Do you recall attending a
4 redistricting software demo in May 2011?

5 A. I don't specifically remember for
6 sure attending this.

7 Q. Okay. This is your calendar
8 entry, correct?

9 A. It is.

10 Q. What is Maptitude?

11 A. It's a -- it's a GIS based
12 software.

13 Q. And did you use Maptitude as part
14 of the redistricting process?

15 A. In 2011, yes.

16 Q. Do you recall who would have given
17 a training like this in May 2011?

18 MR. STRACH: Objection.

19 THE WITNESS: I don't recall.

20 BY MS. THOMAS-LUNDBORG:

21 Q. Okay. Do you recall whether you
22 were officially retained at this point to work
23 on redistricting?

24 A. I was not.

25 Q. If you did attain -- did attend

1 RAYMOND E. DiROSSI

2 the training, was that something that you would
3 have been paid for?

4 MR. STRACH: Objection.

5 THE WITNESS: You're asking me
6 hypothetically if I had been retained? I don't
7 understand your question.

8 BY MS. THOMAS-LUNDBORG:

9 Q. No, I'm asking you -- we have a
10 calendar entry here from your calendar that
11 says there was a training. If you attended the
12 training as your calendar says, would you have
13 been paid to attend that?

14 MR. STRACH: Objection.

15 THE WITNESS: Yeah, I mean, first of
16 all, just because it was on my calendar doesn't
17 mean it happened. There's plenty of things on my
18 calendar that didn't happen.

19 BY MS. THOMAS-LUNDBORG:

20 Q. Right. And so my question is, if
21 you attended a training, which you may or may
22 not remember, would you have been paid to do
23 it?

24 MR. STRACH: Objection.

25 THE WITNESS: Yeah, I mean, there's

1 RAYMOND E. DiROSSI

2 like four different levels of hypothetical there.

3 I can't answer that.

4 (Thereupon, Plaintiffs' Exhibit

5 Number 6, Document Bates Stamped DIROSSI_0000018,

6 was marked for purposes of identification.)

7 BY MS. THOMAS-LUNDBORG:

8 Q. Okay. Let's turn to the next

9 exhibit that I'm having marked for the record.

10 It is DIROSSI_000018. I'm having it marked as

11 Exhibit 6. It is another calendar entry.

12 This one says Confirmed:

13 Legislative Task Force on Redistricting, and

14 the start date of this calendar entry is June

15 16, 2011. Do you see that?

16 A. I do.

17 Q. Now, this entry says confirmed.

18 If an entry is confirmed in your calendar is it

19 more likely that you actually attended it?

20 A. No.

21 Q. Okay. Do you know what the

22 legislative -- legislative task force on

23 redistricting was?

24 A. Absolutely.

25 Q. Okay. And what was that?

1 RAYMOND E. DiROSSI

2 A. This is the bipartisan task force
3 that was formed in Ohio law to prepare the
4 State of Ohio for both the apportionment and
5 the redistricting processes every decade.

6 Q. And who was a part of that task
7 force?

8 A. There are six members by statute
9 on the board. I don't recall at the times the
10 names of the members who were members of it,
11 but I do know the statute requires that
12 legislative leaders of opposing political
13 parties always are the bipartisan co-chairs of
14 it so that any action the entity takes is
15 bipartisan.

16 Q. And were you a member of the task
17 force?

18 A. When I worked in the Ohio House I
19 was a member of this task force for four years,
20 but at the time of this I was not.

21 Q. You were not. Were you -- so at
22 the time of this, just to be clear for the
23 record, are you talking about in June or for
24 the whole 2011 redistricting cycle?

25 A. That -- I'm sorry.

1 RAYMOND E. DiROSSI

2 Q. I just want to clarify. You said
3 you were not a member of the task force. Are
4 you talking about in June of 2011, which is the
5 calendar entry, or for the whole 2011 cycle?

6 A. I was not a member during the
7 whole 2011 cycle.

8 Q. Did you attend any meetings of the
9 task force during the 2011 cycle?

10 A. Not that I recall.

11 Q. I'm not going to mark this yet for
12 the record.

13 MR. STRACH: What exhibit number is
14 this?

15 MS. THOMAS-LUNDBORG: It's not an
16 exhibit. It's currently just a document to
17 refresh his recollection.

18 MR. STRACH: Okay.

19 BY MS. THOMAS-LUNDBORG:

20 Q. Have you had a chance to review
21 the document?

22 A. I am continuing to review it, but
23 I still don't know what it is.

24 Q. So if you look at the block code,
25 it says legislature task force on redistricting

1 RAYMOND E. DiROSSI

2 and then there are a number of names here,
3 including your name. And my question to you
4 is, does this document refresh your
5 recollection about whether you attended any
6 legislative task force and redistricting
7 meetings?

8 A. So thank you for giving me this
9 document. I think it's -- it's a little
10 clearer, but I think you're confused. The
11 legislative task force on redistricting is a
12 public body made up of elected officials. It
13 is the mechanism by which the state prepares
14 for the process. It has money appropriated to
15 it by the General Assembly.

16 One of the things that this is, is
17 as people attended public hearings throughout
18 the state on apportionment and redistricting,
19 they were reimbursed for mileage. So if the
20 apportionment board or a redistricting
21 committee of the legislature had a regional
22 hearing or a hearing outside of the Statehouse,
23 those were meetings not of the task force, but
24 they were reimbursed for mileage from the task
25 force.

1 RAYMOND E. DiROSSI

2 Q. Okay.

3 A. So I think you're confusing the
4 two.

5 Q. So you're saying that this
6 document is just about reimbursement and not
7 about --

8 A. Based on my review of the
9 documents you've provided, that's -- that's my
10 understanding.

11 (Thereupon, Plaintiffs' Exhibit
12 Number 7, Document Bates Stamped DIROSSI_0000019,
13 was marked for purposes of identification.)

14 BY MS. THOMAS-LUNDBORG:

15 Q. Okay. I would like to move to
16 what I'm having marked as Exhibit 7. This
17 document, for the record, has Bates number
18 DIROSSI_000019, and the subject matter is
19 Confirmed: President Niehaus call with
20 Congressman LaTourette, and the date is July
21 7th, 2011. Do you see that?

22 MR. STRACH: Just one correction,
23 it's July 5th.

24 MS. THOMAS-LUNDBORG: Oh, I'm sorry,
25 July 5th. Thank you.

1 RAYMOND E. DiROSSI

2 THE WITNESS: I do see the document.

3 BY MS. THOMAS-LUNDBORG:

4 Q. Do you recall having calls with
5 President Niehaus at this time in July, early
6 July 2011?

7 A. That I had phone calls with him?

8 Q. Yes. Did you have phone calls
9 with President Niehaus in July of 2011?

10 A. I mean, I spoke to him. I don't
11 know if they were by phone or -- I mean, I
12 can't recall a specific phone call.

13 Q. But did you have phone calls in
14 general with the president at this time? Just
15 in general in early July did you talk to the
16 president on the phone?

17 MR. STRACH: Objection.

18 THE WITNESS: I don't -- I don't
19 recall a specific thing, and if I did, it may not
20 have had anything to do with redistricting.

21 BY MS. THOMAS-LUNDBORG:

22 Q. Okay. Do you know who Congressman
23 LaTourette is?

24 A. I do. He's now deceased.

25 Q. And who was Congressman

1 RAYMOND E. DiROSSI

2 LaTourette?

3 A. He was a congressman from Ohio.

4 Q. Did you have any conversations at
5 any point with Congressman LaTourette about
6 redistricting?

7 A. None that I can recall.

8 Q. Is it possible that you had any
9 phone calls with him you're not remembering?

10 MR. STRACH: Objection.

11 THE WITNESS: I don't recall any
12 specific ones.

13 BY MS. THOMAS-LUNDBORG:

14 Q. Do you recall if in early July
15 there were -- there was a draft map for the
16 Ohio's congressional districts?

17 A. I don't recall.

18 Q. At the time in early July of 2011
19 did you have phone calls with any sitting
20 congresspeople that you recall?

21 A. I don't recall. I don't recall
22 any specific ones in July.

23 Q. Is it possible that you had calls
24 with sitting congresspeople at that time?

25 MR. STRACH: Objection.

1 RAYMOND E. DiROSSI

2 THE WITNESS: I don't recall any
3 specific phone calls.

4 BY MS. THOMAS-LUNDBORG:

5 Q. Not any in particular, just in
6 general, do you recall having any conversations
7 with sitting congresspeople?

8 A. What time -- what time frame? I'm
9 sorry.

10 Q. Early July.

11 A. I don't.

12 Q. At any point later in the
13 redistricting cycle do you recall?

14 A. There were a few -- a few
15 instances that I remember -- can remember that
16 far back where I would have had phone calls
17 with sitting congressmen.

18 Q. And what were those instances?

19 A. In House Bill 369, which was the
20 congressional map that was adopted, I remember
21 having a number of calls with Congressman Steve
22 Austria telling him that the legislative
23 leaders had decided that the request by the
24 Democratic members of the legislature to have
25 an amendment to the redistricting plan to unify

1 RAYMOND E. DiROSSI

2 Montgomery County was happening. And I had a
3 number of conversations with him about that,
4 that the leaders had decided to go with what
5 the Democrats and the legislature had asked
6 for.

7 Q. Do you recall any other
8 conversations?

9 A. With --

10 Q. Sitting congresspeople.

11 A. By congresspeople, you're saying
12 the congressmen and women?

13 Q. Yes, I am.

14 A. Everybody is looking at me. None
15 that I -- none that I recall.

16 Q. You're the witness.

17 A. I understand. None more that I
18 can recall sitting here at this moment, no.

19 Q. Okay. Let's --

20 (Thereupon, Plaintiffs' Exhibit
21 Number 8, Document Bates Stamped LWVOH_00010555,
22 was marked for purposes of identification.)

23 BY MS. THOMAS-LUNDBORG:

24 Q. For completeness, let's look at
25 what I'm having marked as Exhibit 8. It bears

1 RAYMOND E. DiROSSI

2 Bates number LWVOH_00010555. It is a calendar
3 entry with, it looks like, an email, from you
4 to Heather N. Mann. Do you see that?

5 A. I do.

6 Q. Okay. If you just take a minute
7 to look over the text. In it there's a
8 discussion of a July 7th, 2011 meeting. Do you
9 see that?

10 A. I see July 7th, 2011, but I don't
11 know what it's -- I'm still trying to -- I see
12 the words July 7th, 2011.

13 Q. Well, the subject says, Re: Hold
14 for Redistricting Software Meeting and then
15 that hold seems to be for a July 7th, 2011
16 meeting, if I'm looking at this correctly,
17 which was sent to you by Heather Mann. You
18 respond accepted, and then I am free from 10:30
19 for the Yost meeting and free the rest of the
20 day as needed, Ray.

21 A. Okay. I see that.

22 Q. Do you recall there being a
23 meeting in early July regarding redistricting?

24 A. I don't recall.

25 Q. Okay. When were you officially

1 RAYMOND E. DiROSSI

2 retained?

3 A. I believe my contract was signed

4 the first few days of August.

5 MR. STRACH: Can we take a quick
6 break? We've been going about an hour.

7 MS. THOMAS-LUNDBORG: Sure.

8 THE VIDEOGRAPHER: We're off the
9 record.

10 (Recess taken.)

11 THE VIDEOGRAPHER: We're on the
12 record.

13 MR. TUCKER: Before we get started
14 again, I just want to memorialize the parties'
15 agreement that an objection made by one attorney
16 on one side is good for all parties on that side.
17 So, example, if the intervenors object to a
18 question, that objection is good for defendants,
19 and vice-versa.

20 BY MS. THOMAS-LUNDBORG:

21 Q. All right. Mr. DiRossi, I would
22 like to go back to something we talked about in
23 the very beginning. You said you reviewed
24 documents in preparation for the deposition.
25 Which documents did you review?

1 RAYMOND E. DiROSSI

2 A. Any of the documents that I
3 produced, so that would have been -- well, any
4 documents that I produced.

5 Q. Okay. So you reviewed the whole
6 production set?

7 A. Well, I mean, I looked through
8 them. There's a lot.

9 (Thereupon, Plaintiffs' Exhibit
10 Number 9, Documents Bates Stamped
11 LWVOH_00005475-5477, was marked for purposes
12 of identification.)

13 BY MS. THOMAS-LUNDBORG:

14 Q. I would like to now turn to a
15 document that I'm having marked as Exhibit 9.
16 It's 9 in your binder. For the record, this
17 document begins with Bates number
18 LWVOH_0005475. At the top it says Consulting
19 Agreement. Can you turn to the last page,
20 please?

21 A. (Witness complied.)

22 Q. Do you recognize this signature at
23 the bottom as your signature?

24 A. I do.

25 Q. And if you take a moment to review

1 RAYMOND E. DiROSSI

2 the document, is this the consulting agreement
3 that you entered into when you began work on
4 redistricting?

5 A. It is.

6 Q. Do you recall who retained you to
7 work on redistricting?

8 A. I guess I don't understand the
9 question. Do you mean like who I signed the
10 contract with or what are you asking?

11 Q. Yes. Do you recall -- let me ask
12 it more specifically. Do you recall being
13 retained by the Republican caucus to work on
14 redistricting?

15 A. Well, so this is another example
16 -- we were talking about the legislative task
17 force on redistricting and demographic
18 research. So that is something that has been
19 part of law for a number of decades and it's
20 set up specifically so that each of the two
21 caucuses, the Republican caucus and the
22 Democratic caucus, are each able to make
23 expenditures using the dollars attributed to
24 them in equal amounts for anything necessary
25 for them to go through this very unique

1 RAYMOND E. DiROSSI

2 process.

3 Q. And were you paid by the
4 Republican portion of that money?

5 A. Yes.

6 Q. So getting to the money part, if
7 just give me one second. Sorry. Oh, yeah. So
8 if you look at the contract in paragraph --
9 numbered paragraph 3 it says consulting
10 payments, and then it says in consideration for
11 the services performed by Capital Advantage
12 pursuant to this agreement, the task force
13 agrees to pay Capital Advantage the sum total
14 of \$75,000. Do you see that?

15 A. I do.

16 Q. And did you understand that that
17 was half of the Republican money at the time?

18 A. I don't have that specific
19 recollection. I don't think that's accurate.

20 Q. You don't think 75,000 is
21 accurate?

22 A. It's definitely the number here,
23 but you were asking whether it was half of
24 something else and I --

25 Q. Yes, half of the money allocated

1 RAYMOND E. DiROSSI

2 to the Republicans, as you explained.

3 A. I don't -- I can't speak to that.

4 Q. I'm not entering this at this
5 time. I have put in front of you a document
6 that you produced, and again it's not being
7 entered for the record, but it is
8 DIROSSI_000495.

9 If you look at the second
10 paragraph, numbered paragraph here, does this
11 refresh your recollection of whether you were,
12 at least in this contract, allocated half of
13 the Republican money?

14 A. Well, yeah, I just think you -- I
15 just don't think that's --

16 Q. I believe it was later increased.
17 I'm just talking about at the time that you
18 signed the contract, was that half of the
19 Republican bucket? Not what it eventually was.

20 A. Yeah, because this is dated June
21 and the contract was in August, and there were
22 changes that were agreed to by the minority
23 leader of the Ohio Senate and the Speaker of
24 the Ohio House that changed those allocations,
25 so I don't --

1 RAYMOND E. DiROSSI

2 Q. Okay. So I think this is -- at
3 least as far as the production, I'm going to
4 show you another document to refresh your
5 recollection. Now, this is the only change
6 document I've seen and it's dated October and
7 it is retroactive.

8 Does this refresh your
9 recollection of at the time that you signed
10 your contract, were you going to be paid half
11 of the Republican allotment?

12 A. I'm sorry. Is this the new one
13 you gave me?

14 Q. I think the new one is dated
15 October 12th, 2011.

16 A. Okay. Could you repeat what your
17 specific question is?

18 Q. So the question is, at the time
19 that you signed your consulting agreement were
20 you being paid half of the Republican money?

21 A. I don't know the answer, but based
22 on what I'm seeing here I do not believe that
23 -- no.

24 Q. So even though this document --
25 the document that you've just looked at

1 RAYMOND E. DiROSSI

2 postdates your agreement, you believe that
3 there was more money when you signed this
4 contract in August 2011?

5 MR. STRACH: Objection to form.

6 THE WITNESS: Yeah, can you rephrase
7 that, specifically what you're asking?

8 BY MS. THOMAS-LUNDBORG:

9 Q. My question is, there's -- you
10 believe there was more money in August 2011
11 allocated to the Republican caucus?

12 A. Well, any allocation that would
13 have been made to either caucus would have been
14 made to both caucuses. It was always being
15 done by a Republican and Democrat, which is the
16 way that this entity is set up in the -- so it
17 never would have been that one caucus got money
18 that the other caucus didn't get money.

19 Q. That part is understood. My
20 question is about your specific payment,
21 whether it was half of the Republican caucus
22 money or whether there was more money at the
23 time allocated to the Republican caucus.

24 MR. STRACH: Objection to form.

25 THE WITNESS: Yeah, I mean, I've

1 RAYMOND E. DiROSSI

2 answered it a couple different times. Based on
3 what I'm seeing here, I do not believe that to be
4 the case. This is my contract, that is the amount
5 that I was paid, but I mean, you're asking me to
6 -- I don't believe that that's what this is.

7 BY MS. THOMAS-LUNDBORG:

8 Q. Okay. Do you have an
9 understanding of how much money was allocated
10 to Republicans at the time that you signed your
11 contract?

12 A. I do not. At the time I signed my
13 contract, I do not.

14 Q. Do you have any documentation
15 related to how much money was allotted to
16 Republicans at the time that you signed your
17 contract?

18 A. I mean, any -- you're handing me
19 documents that I handed to you by preparing
20 them. So, I mean, these are the documents that
21 I have.

22 Q. Okay.

23 A. This is what I have.

24 Q. Do you have any other documents
25 related to the money allocated to the

1 RAYMOND E. DiROSSI

2 Republicans at the time that you signed your
3 contract?

4 A. Anything that I would have had I
5 would have turned over.

6 Q. Okay. Going back to the end of
7 the document where the signatures are --

8 A. Yes.

9 Q. -- we've already identified your
10 signature. The top signature is a person by
11 the name of Matthew T. Schuler. Do you know
12 who that is?

13 A. I do.

14 Q. And who is that?

15 A. He at the time was the chief of
16 staff of the Ohio Senate.

17 Q. Okay. And was he associated with
18 any particular party?

19 A. He was a member of the Republican
20 caucus.

21 Q. And the next name is Troy Judy.
22 Do you know who Troy Judy is?

23 A. I do.

24 Q. And what was Troy Judy's position
25 at the time?

1 RAYMOND E. DiROSSI

2 A. At the time he was the chief of
3 staff of the House of Representatives.

4 Q. Okay. And was Troy Judy
5 associated with any particular party?

6 A. Yes, so he was a member of the
7 Republican caucus.

8 And, as I mentioned before in
9 response to one of your questions, as was the
10 way this was set up by the minority leader of
11 the Ohio House Democrat, the Speaker of the
12 Ohio House Republican, there would be equal
13 amounts of money given to both caucuses, and
14 any contracts, equipment, software, or anything
15 that needed to be expended would be -- you
16 would have to get the signatures of either the
17 two Republican chiefs of staff or the two
18 Democratic chiefs of staff. So that's what
19 this is.

20 Q. What was your understanding of the
21 role that you would play in redistricting when
22 you signed this contract?

23 A. Well, for the redistricting, that
24 we had to produce a constitutional map and that
25 there were timelines associated with it and

1 RAYMOND E. DiROSSI

2 that I was going to be working on providing
3 that.

4 Q. And you said working on providing
5 that. What specifically did you do to help
6 work on providing the map?

7 A. So the -- the legislative
8 congressional -- the redistricting, the
9 congressional redistricting, excuse me, is a
10 legislative bill that goes through the Ohio
11 House and the Ohio Senate and is signed by the
12 Governor. So we would be working to make
13 suggestions on what that bill could be so that
14 it could go through the traditional legislative
15 process.

16 Q. And you said suggestions on what
17 that bill could be. What do you mean by
18 suggestions on what that bill could be?

19 A. Anything that affected the design
20 of the map. The fact that the state -- the
21 State of Ohio was losing two congressional
22 districts was causing significant problems,
23 population deviations of districts, districts
24 were growing, districts were contracting.
25 Anything to produce a map that was

1 RAYMOND E. DiROSSI

2 constitutional.

3 Q. Did you work on drawing a map?

4 A. Yes.

5 Q. Okay. And how did you go about
6 drawing the map?

7 A. Using the computers and software
8 that we had and using the data that the
9 legislative task force had contracted with
10 Cleveland State to provide to everyone in the
11 state, we produced boundaries of districts and
12 what could be used.

13 Q. And the software that you used,
14 was that Maptitude?

15 A. In the 2011 process it was
16 Maptitude, yes.

17 Q. And you said we used the software.
18 By we, who are you referring to?

19 A. Primarily Heather -- Heather and
20 I, Heather Mann.

21 Q. Did anyone else --

22 A. Heather Mann at the time, Heather
23 Blessing now.

24 Q. Thank you.

25 A. Sorry.

1 RAYMOND E. DiROSSI

2 Q. That's fine. Did anyone else work
3 on the software with you in addition to Heather
4 Mann, now Ms. Blessing?

5 A. I believe Troy Judy used the
6 software as well.

7 Q. Did anyone else use the software?

8 A. I mean, a lot of -- those are the
9 people that I have knowledge of that used the
10 software that we purchased. Other people in
11 the state may have been using it.

12 Q. Okay. Did you talk to anyone at
13 the time who was inputting data in the software
14 while you were using it?

15 A. Help me understand that question a
16 little bit.

17 Q. So you said that Troy Judy,
18 Heather Mann and yourself used the software.
19 And so my question is, was anyone else working
20 with you who was making inputs into the
21 software?

22 A. And by inputs into the software,
23 what do you mean?

24 Q. I mean making changes on maps in
25 the Maptitude software.

1 RAYMOND E. DiROSSI

2 A. Well, we were getting input from
3 the legislative leaders.

4 Q. Okay.

5 A. But myself, Heather and Troy were
6 really the only ones sitting at computers to my
7 knowledge.

8 Q. And you said you were getting
9 inputs from legislative leaders. By
10 legislative leaders, who are you talking about
11 specifically?

12 A. For me, I would say it was
13 President Niehaus.

14 Q. Anyone else?

15 A. Well, I'm sure every legislator,
16 both Republican and Democrat, had ideas, so at
17 what level are you --

18 Q. I'm talking about people who gave
19 you suggestions that then you inputted into the
20 software.

21 A. Because there are plenty of
22 instances where people gave suggestions that we
23 did not do, so --

24 Q. I'm talking about people who gave
25 you suggestions that then you took and put into

1 RAYMOND E. DiROSSI

2 the software. Can you name those people?

3 A. Well, President Niehaus. I know
4 that Speaker Batchelder had input. But in many
5 cases they were reacting to suggestions that we
6 were making, so it was more of a two-way street
7 than them telling us what to do. It was more
8 of an information exchange.

9 Q. Okay. So just to circle back to
10 the contract, if you look at the numbered
11 paragraph 1, during the term of this agreement
12 Capital Advantage shall make available Raymond
13 E. DiRossi to render such consulting services
14 as may be needed or requested by the Republican
15 members of the task force to carry out their
16 duties, and then there is a code cited R.C. 10
17 -- 103.51. Do you see that?

18 A. I do.

19 Q. And so was your understanding that
20 Capital Advantage was being retained on your
21 behalf?

22 A. Yes, I'm the only -- I'm the owner
23 and only employee of Capital Advantage at the
24 time.

25 Q. Okay. And I think we've already

1 RAYMOND E. DiROSSI

2 discussed this, but was your understanding that
3 you were being retained by the Republican
4 members of the task force as outlined here in
5 this paragraph?

6 A. Well, again, as I mentioned
7 before, it was a bipartisan process that was
8 put in place for those contracts, but the
9 legislative task force on redistricting and
10 demographic research is the entity that is
11 supposed to set the table for redistricting and
12 apportionment in the state. They don't really
13 have a role in the effectuation of districts or
14 the adoption of districts. The apportionment
15 board would adopt districts for the legislative
16 districts. The state legislature and the
17 Governor would adopt districts for the
18 congressional districts.

19 So they don't really have a role
20 in adopting districts. They do all the
21 logistical stuff to prepare the state for it.

22 Q. Okay, understood. So you were, in
23 fact, retained by the Republican members.

24 Going to the next paragraph, term,
25 it says the term of this agreement will

1 RAYMOND E. DiROSSI

2 commence on August 1st, 2011, and shall expire
3 on December 31st, 2011, unless terminated in
4 accordance with the provisions of Section 8 of
5 this agreement or extended by the task force by
6 agreement of Capital Advantage. Do you see
7 that?

8 A. I do.

9 Q. Okay. Was it your understanding
10 that your term would last from August to
11 December?

12 A. Yeah, I mean, if that's what the
13 contract says, yes, yes.

14 Q. Do you recall whether you, in
15 fact, worked through December of 2011?

16 A. Well, again, so this contract --
17 so here's where we're mixing. This contract
18 obviously is for apportionment and
19 redistricting. So through December 2011, yes,
20 I was still working, because within 30 days of
21 the apportionment map being adopted there were
22 lawsuits that were filed and depositions and
23 document production that lasted through --
24 through that time, as well as, as we talked
25 earlier, about there being two maps for the

1 RAYMOND E. DiROSSI

2 congressional districts that extended into
3 December as well.

4 (Thereupon, Plaintiffs' Exhibit
5 Number 10, Document Bates Stamped DIROSSI_0000527,
6 was marked for purposes of identification.)

7 BY MS. THOMAS-LUNDBORG:

8 Q. I would like to move to the next
9 exhibit that I'm having marked as Exhibit 10.
10 It is -- it has Bates number DIROSSI_0000527,
11 and the top of the document says Termination
12 Agreement. Do you see that?

13 And this agreement --

14 A. I do.

15 Q. This agreement says that it's
16 pursuant to the termination provision of the
17 contract entered into between the Republican
18 Senate Campaign Committee, RSCC, and Capital
19 Advantage. Do you see that?

20 A. I do.

21 Q. And what is the Republican
22 campaign committee, Senate campaign committee?

23 A. That was the entity that I was
24 engaged with prior to the redistricting and
25 apportionment under my contract.

1 RAYMOND E. DiROSSI

2 Q. And what do they do?

3 A. They are -- they run elections.

4 Q. What do you mean, they run
5 elections?

6 A. They run elections dealing with
7 Republican Senate candidates.

8 Q. Do you mean that they do the
9 physical logistics of running elections or are
10 they actually campaigning for elections?

11 A. Well, I don't control what they do
12 obviously, but --

13 Q. I'm just asking what they do.

14 A. Yeah.

15 Q. Because you said they run
16 elections. I just want clarity on what you
17 mean by they run elections. Are they doing the
18 logistics; i.e., setting up polls, making
19 elections run, or are they campaigning for
20 elections?

21 A. Yeah, they are a legislative
22 campaign fund under Ohio law and they raise
23 money and engage in Republican Senate campaign
24 campaigns.

25 Q. Okay. And what did you do for

1 RAYMOND E. DiROSSI

2 them specifically?

3 A. Prior to terminating pursuant to
4 this, I raised money for the Republican Senate
5 Campaign Committee.

6 Q. And how did you go about that?

7 A. Providing logistical support to
8 the members and candidates of the Republican
9 Senate Campaign Committee in setting up
10 fundraising events in Columbus or in their
11 districts.

12 Q. And I don't have the agreement
13 that this is terminating. Do you still have
14 that in your possession?

15 A. Sitting here, I don't know. I
16 would have to look.

17 Q. Okay. I'm going to request on the
18 record that you do look for that agreement, and
19 if it's in your possession that it be produced.

20 Do you recall why your agreement
21 with the RSCC was terminated on August 1st,
22 2011?

23 A. Yeah, this was -- this was after
24 consulting with some of the ethics folks that
25 operate in and around Capitol Square. It was

1 RAYMOND E. DiROSSI

2 recommended that there be a termination of all
3 contracts that I had in place and that I focus
4 solely on the redistricting and apportionment.
5 So this is the bright line of terminating
6 everything and letting the new contracts take
7 effect.

8 Q. And did you have an understanding
9 of why it was -- why you should terminate all
10 of your existing contracts?

11 A. I don't know. It was the
12 recommendation of the joint legislative
13 inspector general -- joint legislative ethics
14 officer, apologies.

15 Q. And whose decision was it to ask
16 the ethics individual about whether or not you
17 should terminate your --

18 A. I sought -- I sought his guidance.

19 Q. And why did you do that?

20 A. I just wanted to make sure that I
21 did this correctly. I had been through this in
22 2001, as we talked about, and there were
23 immediately lawsuits after the 2001 process and
24 I just wanted to make sure that I did
25 everything correctly.

1 RAYMOND E. DiROSSI

2 Q. And staying on the contract that
3 this is terminating, were you paid under your
4 RSCC contract?

5 A. Yes.

6 Q. Do you have a recollection of how
7 much you were paid?

8 A. I don't sitting here.

9 MR. STRACH: Insert an objection to
10 that question.

11 BY MS. THOMAS-LUNDBORG:

12 Q. So we've seen a number of
13 documents and we've already kind of talked
14 about Heather Mann, also known as Heather
15 Blessing. Who is Ms. Blessing?

16 A. Who is she now? Who was she then?

17 Q. Who was she during the
18 redistricting process?

19 A. She was -- for the redistricting
20 process, she was somebody that the -- I can't
21 remember what her title was in the legislature,
22 but she was somebody that was designated to
23 work on the redistricting on behalf of the
24 Speaker of the House.

25 Q. Okay. And did you work with

1 RAYMOND E. DiROSSI

2 Ms. Blessing directly?

3 A. Yes.

4 Q. And what was the nature of your
5 working relationship together?

6 A. And what do you mean by that?

7 Q. Did you guys -- between the two of
8 you did you have roles that were designated
9 that you performed certain tasks and she
10 performed other tasks?

11 A. No. I mean, we were working
12 simultaneously on both the apportionment and
13 the redistricting, and so we were sometimes
14 working on the same concepts or the same
15 processes and at other times different.

16 Q. Was there anything that you worked
17 on specifically that she did not work on?

18 A. Not that I could recall
19 specifically.

20 Q. Is there anything that she worked
21 on specifically that you did not work on?

22 MR. STRACH: Objection to form.

23 THE WITNESS: You can ask her.

24 BY MS. THOMAS-LUNDBORG:

25 Q. To your recollection do you recall

1 RAYMOND E. DiROSSI

2 her doing something that you were not involved
3 in?

4 MR. STRACH: Objection to form.

5 THE WITNESS: I do not recall
6 specifics.

7 BY MS. THOMAS-LUNDBORG:

8 Q. Do you recall whether Ms. Blessing
9 was paid \$75,000 in her contract?

10 A. Her contract and mine were, I
11 believe, identical.

12 Q. Do you recall whether the
13 combination of your contract and Ms. Blessing's
14 contract was the money that was allotted to the
15 Republican caucus?

16 A. Can you say that again, please?

17 Q. Do you recall whether the money
18 that you were paid and the money that she was
19 paid was the sum total of the money that was
20 allotted to the Republican caucus?

21 A. I don't think that's accurate.

22 Q. And what do you recall other money
23 being allotted for?

24 A. Software, computers, office space,
25 mileage reimbursements, toner, paper, ink, all

1 RAYMOND E. DiROSSI

2 of those things necessary to produce the maps
3 for the apportionment and the redistricting.

4 Q. Okay. Was money allotted to pay
5 anyone else a salary?

6 A. I don't recall. I don't recall if
7 that was true or if Heather and I were the only
8 ones.

9 Q. All right. I would like to --
10 actually, before we get to the exhibit, do you
11 recall there being any meetings in early July
12 of 2011 related to redistricting?

13 A. Are you specifically asking
14 meetings that I attended or just meetings that
15 other people were having?

16 Q. Meetings that you would have
17 attended.

18 A. In July?

19 Q. In July.

20 A. Yeah, as we just discussed, my
21 contract wasn't in effect until -- and signed
22 until August. I don't recall, sitting here,
23 any meetings in July.

24 Q. Is your recollection that you did
25 any work related to redistricting in July?

1 RAYMOND E. DiROSSI

2 A. Well, I was definitely thinking
3 about the logistics. Having been the one
4 person who had been through this the previous
5 decade, I was thinking a lot about the
6 logistics of what we would do, but that was
7 with myself.

8 Q. Did you attend any meetings in
9 July related to redistricting?

10 A. None that I can specifically
11 recall.

12 Q. Did you do anything else besides
13 thinking to yourself about redistricting in
14 July of 2011?

15 A. Yeah, I'm sure I had conversations
16 with the president of the Senate, Matt Schuler,
17 basically saying these processes are coming,
18 these are once-a-decade processes, they have,
19 especially for the apportionment, timelines
20 that are imbedded in the Constitution that we
21 have to adhere to, and we need to be thinking
22 about all of the logistical things that need to
23 be done to get ready for this. So I'm sure I
24 would have been having conversations along
25 those lines.

1 RAYMOND E. DiROSSI

2 Q. Would you have had conversations
3 with anyone else in July?

4 A. With anyone else other than --

5 Q. Niehaus and Schuler you just
6 mentioned.

7 MR. STRACH: Objection to form.

8 THE WITNESS: I would have talked to
9 Heather about it, I'm sure.

10 BY MS. THOMAS-LUNDBORG:

11 Q. Anyone else?

12 A. I'm sorry. Who have we named so
13 far?

14 Q. I believe, and your counsel can
15 correct me, we've named President Niehaus and I
16 believe you named Schuler and you just named
17 Ms. Blessing.

18 A. Yeah, no other specific
19 conversations that I can recall and give you
20 names -- names of people right now.

21 Q. Okay. So let's look at some
22 documents and they may or may not refresh your
23 recollection.

24 (Thereupon, Plaintiffs' Exhibit
25 Number 11, Document Bates Stamped DIROSSI_0000020,

1 RAYMOND E. DiROSSI

2 was marked for purposes of identification.)

3 BY MS. THOMAS-LUNDBORG:

4 Q. Let's look at what I'm going to
5 have marked as Exhibit 11. It bears DIROSSI --
6 I'll just say DIROSSI_20 for shorthand. This
7 is an exhibit that you produced to us. The
8 subject is, 2:45 p.m. Confirmed: Redistricting
9 Training. Do you see that?

10 A. I do.

11 Q. And it looks like this event is
12 scheduled to start on July 7th, 2011. Do you
13 see that?

14 A. I do.

15 Q. Okay. I'm going to just move on
16 to the next document to mark for the record to
17 be efficient.

18 (Thereupon, Plaintiffs' Exhibit
19 Number 12, Document Bates Stamped DIROSSI_0000021,
20 was marked for purposes of identification.)

21 BY MS. THOMAS-LUNDBORG:

22 Q. This is DIROSSI_21 and the subject
23 is Confirmed: Redistricting Training. Do you
24 see that?

25 A. I do.

1 RAYMOND E. DiROSSI

2 Q. And its date is July 8th, 2011.

3 Do you see that?

4 A. I do see that.

5 Q. All right. And as the kind of
6 last --

7 A. Just if I could say, I mean, just
8 because it says confirmed doesn't mean that I
9 attended it. That's my way of saying that I
10 believed it was confirmed and was going to
11 happen. But whether or not I attended it, I
12 can't say.

13 Q. Understood.

14 (Thereupon, Plaintiffs' Exhibit
15 Number 13, Document Bates Stamped LWVOH_00008706,
16 was marked for purposes of identification.)

17 BY MS. THOMAS-LUNDBORG:

18 Q. To finish out our trio, I would
19 like to have marked as Exhibit 13 LWVOH_8706.
20 And at the top it says Redistricting Meeting
21 Agenda, Thursday, July 7th, 2011, and Friday,
22 July 8th, 2011. Do you see that?

23 A. Yes.

24 Q. Okay. So just flipping back to
25 Exhibit 11, it looks like there is a

1 RAYMOND E. DiROSSI

2 redistricting training for 2:45 to 5:00 p.m.

3 That seems to coincide with a 2:45 to 5:30 p.m.

4 training on this agenda in Exhibit 13. Do you

5 see that?

6 A. I'm sorry. Help me again. You're

7 referring to Number 12?

8 Q. Number 11.

9 A. Number 11, I'm sorry.

10 Q. So there's a 2:45 to 5:00 p.m.

11 training. Do you see that?

12 A. Number 11, yes.

13 Q. Yes. And then if you look at

14 Number 13, the second to last meeting on the

15 agenda is 2:45 to 5:30 p.m. Do you see that?

16 A. I do.

17 Q. Okay. And then on --

18 A. The times aren't exact, but I --

19 yeah.

20 Q. I think we're going to look at

21 another one that's not quite exact. If you

22 look at Exhibit 12, there is a Friday meeting

23 from 8:00 a.m. to 10:30, and then it looks like

24 on the agenda there's an 8:00 a.m. to 11:00

25 a.m. training. Do you see that?

1 RAYMOND E. DiROSSI

2 A. Yes.

3 Q. Okay. As you look at this agenda

4 -- I know you said when you looked at the

5 calendar entries alone you have no recollection

6 of going to the meetings. Looking at the

7 agenda, do you have any recollection of

8 attending any of these meetings?

9 A. I do have a recollection of

10 attending something, but I can't say if it was

11 one or -- one or something different.

12 Q. Okay. The agenda lists a number

13 of people, including Mark Braden. Do you see

14 that?

15 A. I do.

16 Q. Do you know who Mark Braden is?

17 A. I do.

18 Q. Who is Mark Braden?

19 A. He was the legal counsel that

20 represented us in the apportionment lawsuit.

21 Q. By legal counsel that represented

22 us in the apportionment lawsuit, who is us?

23 A. The apportionment board members.

24 Q. Okay. And was it your

25 understanding that he represented all

1 RAYMOND E. DiROSSI

2 apportionment board members?

3 A. I don't know that -- I wouldn't
4 know the specifics of that. I don't know.

5 Q. Okay. This meeting, July 7th,
6 predates the apportionment board lawsuit. Do
7 you have any recollection of Mr. Braden doing
8 any work prior to the lawsuit?

9 A. What do you mean by work that he
10 did?

11 Q. I mean work related to
12 redistricting.

13 MR. STRACH: Objection.

14 THE WITNESS: Yeah, we might have
15 sought his -- his guidance on legal matters, but I
16 --

17 BY MS. THOMAS-LUNDBORG:

18 Q. Do you have any recollection of
19 speaking to Mr. Braden prior to the filing of
20 the lawsuit?

21 A. Yes.

22 Q. And when was that?

23 A. When was the lawsuit filed?

24 Q. No. When did you speak to him
25 prior to the filing of the lawsuit?

1 RAYMOND E. DiROSSI

2 A. Well, it would have been during
3 the process, during the apportionment and
4 redistricting process.

5 Q. So do you have a recollection of
6 speaking to him during the redistricting and
7 apportionment process?

8 A. Yes.

9 Q. Do you have any recollection of
10 when those conversations would have taken
11 place, in the summer, in the fall?

12 A. We inter -- or I interacted and
13 sought his guidance numerous times through that
14 process, but I can't -- I don't know a specific
15 like date or time or general month or anything.

16 Q. Okay.

17 A. It was kind of throughout.

18 Q. And is it possible that you spoke
19 to him in July of 2011?

20 MR. STRACH: Objection.

21 THE WITNESS: Yeah, I mean, I -- I
22 can't speculate. I can't recall a specific July
23 conversation that I had with him.

24 BY MS. THOMAS-LUNDBORG:

25 Q. All right. The other name listed

1 RAYMOND E. DiROSSI

2 here is a John Morgan. Do you know who John
3 Morgan is?

4 A. Generally, yes.

5 Q. And who is that?

6 A. He was somebody who -- who was a
7 resource to us if we had questions specifically
8 about software. As we talked about before, in
9 2001 we used AutoBound software. In 2011 we
10 were switching and using Maptitude software, a
11 software that I had not been trained on and was
12 not familiar with, and there was a lot of
13 things that I just could not understand how
14 this new software ten years later worked.

15 John seemed to have an in-depth
16 knowledge of how the software worked and so he
17 was -- he was a resource to, at least me, on
18 software issues.

19 Q. And do you recall when you were
20 introduced to Mr. Morgan?

21 A. I don't recall.

22 Q. Do you recall how you were
23 introduced to him?

24 A. I believe it was by email, email
25 and phone.

1 RAYMOND E. DiROSSI

2 Q. And who sent that email?

3 A. I can't recall.

4 Q. You said that he was a resource to
5 you. By you, who do you mean?

6 A. I'm sorry, by who do I --

7 Q. Who was John Morgan a resource
8 for?

9 A. Me.

10 Q. You specifically. Did he work
11 with anyone else to your knowledge?

12 A. I had -- I did witness him talking
13 to Heather and I jointly.

14 Q. Are you aware of him having
15 conversations with anyone else related to
16 redistricting in Ohio?

17 A. I am not, no.

18 Q. Were you aware of who was paying
19 John Morgan to do his work?

20 A. I was not.

21 Q. Did John Morgan make any inputs
22 into the Maptitude software?

23 MR. STRACH: Objection.

24 THE WITNESS: Yeah, so this is -- you
25 kind of said inputs into the software and I guess

1 RAYMOND E. DiROSSI

2 I'm struggling what that means. Like he would be
3 the resource -- when I didn't know how to use the
4 software to do things, he would help with that,
5 but that's not inputs. So I don't know what you
6 mean by inputs into the software again.

7 BY MS. THOMAS-LUNDBORG:

8 Q. Okay. My question is, did he make
9 any substantive changes to the map while you
10 were working with him?

11 A. None that I can recall.

12 Q. Did he make any technical changes
13 to the map?

14 MR. STRACH: Objection.

15 THE WITNESS: Yeah, none that I can
16 specifically recall.

17 BY MS. THOMAS-LUNDBORG:

18 Q. Mark Braden and John Morgan are
19 listed on a number of these entries together.
20 Did you understand that there was any
21 relationship between the two?

22 A. I can't recall.

23 Q. During your time working on
24 redistricting, did you ever talk to someone
25 named Adam Kincaid?

1 RAYMOND E. DiROSSI

2 A. I -- excuse me, I exchanged emails
3 with him.

4 Q. Okay. And who was Adam Kincaid?

5 A. I believe he was with the RNC,
6 RNCC. I'm not exactly sure how many Cs.

7 Q. Fair enough. There are a lot of
8 Cs around.

9 And what was your understanding of
10 Adam Kincaid's job at the time?

11 A. I guess I don't know what his job
12 was. I mean, I know that he was somebody that
13 I could bounce ideas off of or exchange
14 information with.

15 Q. And what kinds of ideas were you
16 exchanging with Adam Kincaid?

17 A. Yeah, so as I mentioned in the
18 congressional redistricting, we were losing two
19 seats and we were having to significantly
20 change a number of the districts in the state
21 to accomplish those, and other -- other goals
22 that had been kind of set out. And just we
23 were dealing with a lot of people that had to
24 be put into different districts and so it was
25 just a resource for me on how that might work.

1 RAYMOND E. DiROSSI

2 Q. Okay. Did you talk to him about
3 substantive lines at any point, changing a line
4 here or there?

5 A. I don't know if we -- I don't know
6 about a line, but we talked about the
7 configuration of some districts, the
8 geographical configuration of the districts.

9 Q. Did you talk about anything else
10 beyond geographical configuration of districts?

11 A. Well, again, at any -- at any
12 point in any particular district there are a
13 number of factors that you might be looking at.
14 So in some instances there would have been
15 minority populations of the district, whether
16 those be African American populations or
17 Hispanic populations, population -- population
18 deviations, how many political subdivisions
19 were being split, how many counties were being
20 split, and, you know, all of those -- all of
21 those types of things.

22 Q. Did you ever talk about partisan
23 makeup of districts with Mr. Kincaid?

24 A. So now you're getting into where
25 -- the historical election data that we had

1 RAYMOND E. DiROSSI

2 available that I helped try to devise so that
3 everybody would use one set of numbers.
4 Everybody that we dealt with, especially when
5 you're talking about the redistricting and not
6 the apportionment, had their own methodology to
7 how to look at the historical election data,
8 and Adam was no different.)

9 Q. So you said Adam was no different
10 and everyone had a different kind of viewpoint.
11 What was your understanding of Adam Kincaid's
12 viewpoint at the time?

13 MR. STRACH: Objection.

14 THE WITNESS: With regards
15 specifically to --

16 BY MS. THOMAS-LUNDBORG:

17 Q. With regards to your statement
18 that everyone had a different opinion about the
19 historical data and Adam was no different.)

20 A. Yeah.

21 Q. What was your understanding of his
22 opinion?

23 A. Yeah, so the one thing I learned
24 from the history of this whole -- whole process
25 from 2001 and through 2011 is that everybody

1 RAYMOND E. DiROSSI

2 had their own ideas of how to look at
3 historical political data or election data.
4 And we had put in place, or I had worked to try
5 to come up with a unified index, which were
6 five historical statewide races that could be
7 used to look at historical election results.

8 And Adam -- if you talk to any
9 member of Congress, if you talk to any member
10 of the press, if you talk to any member of the
11 legislature, if you talk to anybody, everybody
12 else seemed to have their own way of looking at
13 election data. And so when I said Adam was no
14 different, they had their own way of
15 calculating historical election data that I
16 wasn't familiar with and am still not really
17 familiar with.

18 Q. Okay. So you mentioned this
19 unified index of five historical state
20 elections. Is that something that you came up
21 with by yourself or did you come up with it in
22 conjunction with Ms. Blessing?

23 A. Yeah, it was not something that I
24 did myself, although it's the same exact
25 process generally that we used in the previous

1 RAYMOND E. DiROSSI

2 decade where we came up with five statewide
3 nonjudicial races and we chose them to try to
4 determine the historical election results of
5 the state.

6 And so in 2011 we identified five
7 races. There were two that the Democrats had
8 won, statewide election results, there were two
9 that the Republicans had won, and there was one
10 that the Republicans won, but did not receive a
11 plurality of the votes. And so we put them
12 altogether in what I called the unified index
13 and then we weighted it to 50/50. And that was
14 -- that was my best guess of how to handle
15 historical election results.

16 Q. So in your answer you've
17 referenced we a few times. By we, who do you
18 mean?

19 A. So it would have been Heather and
20 I.

21 Q. Did anyone else help put together
22 the index?

23 A. Yeah, we sought input from some
24 people who had more knowledge of historical
25 election results.

1 RAYMOND E. DiROSSI

2 Q. And who were those people?

3 A. Well, it was Vaughn Flasher.

4 Q. And who is that?

5 A. He was somebody who had been
6 involved in campaign activities in the state
7 for a long period of time.

8 Q. And who did he work for at the
9 time?

10 A. I think he had -- I think he had
11 his own business. He had his own business.

12 Q. And you said he was involved in
13 campaign activities in the state. Do you know
14 if that was for Republicans or Democrats?

15 A. It would have been -- well, some
16 of it was statewide campaigns that are
17 nonpartisan, so, I mean, I guess it all
18 depended on who at the time he was working for.

19 Q. Were you aware of him working for
20 any Democrat at the time?

21 A. Not to my knowledge.

22 Q. Okay. So you mentioned
23 Mr. Flasher, Ms. Mann -- Ms. Blessing, excuse
24 me. Was there anyone else who helped work on
25 the indices issue?

1 RAYMOND E. DiROSSI

2 A. There was also somebody in the
3 House that had -- with similar background as
4 Vaughn did in the Senate, and I sought his
5 guidance was well.

6 Q. And who was that?

7 A. I knew you were going to ask that.
8 I just had it. I'm sorry. The name escapes
9 me.

10 Q. Okay. But you said similar
11 background. Was that someone who also worked
12 with Republicans?

13 A. Well, statewide campaigns, had a
14 knowledge of the history of elections in the
15 state, and if you were trying to come up with a
16 -- some type of way to measure historical
17 election results they would have good insight
18 to say use this race in it and don't use that
19 race.

20 Q. And this person, to the extent
21 that you recall their background, did this
22 other person work for Democrats to your
23 recollection?

24 A. I don't know.

25 Q. If you do recall the name at any

1 RAYMOND E. DiROSSI

2 point --

3 A. Sure, yes.

4 Q. -- like if we go to lunch and we
5 come back, tell me.

6 A. I'll blurt it out.

7 Q. So going back to this everyone had
8 different opinions on how to put together the
9 political data, you mentioned that Mr. Kincaid
10 had a different opinion.

11 Do you recall anyone else having a
12 different opinion on how to put together the
13 historical data?

14 A. Every member of the press that we
15 interacted with had their own ideas. You
16 mentioned Mr. Slagle with OCAR, the Campaign
17 for Accountable Redistricting. He had his own
18 methodology that he wanted to use. Even some
19 of the Democratic members of Congress that we
20 were having conversations with, they had their
21 own scoring system that they used. And, like I
22 said, literally everybody we talked to seemed
23 to have a different way of looking at
24 historical election results.

25 Q. And so how did you ultimately

1 RAYMOND E. DiROSSI

2 decide which way you were going to adopt?

3 MR. STRACH: Objection.

4 THE WITNESS: So help me understand
5 which way we were going to adopt.

6 BY MS. THOMAS-LUNDBORG:

7 Q. Well, you said you came up with a
8 unified historical index of five --

9 A. Correct.

10 Q. -- races and you've named some of
11 the people involved. How did you determine
12 which five races you were going to select?

13 A. We just decided that those were
14 the five best.

15 Q. And what do you mean by best?

16 A. Those were the five that would
17 represent historically statewide nonjudicial
18 election results.

19 Q. Okay. We may come back to this
20 subject a little bit later, but --

21 A. Sure.

22 Q. -- I would like to move on. I am
23 -- if you could turn to the next exhibit.

24 (Thereupon, Plaintiffs' Exhibit

25 Number 14, Document Entitled Keep it Secret - Keep

1 RAYMOND E. DiROSSI

2 it Safe, was marked for purposes of
3 identification.)

4 BY MS. THOMAS-LUNDBORG:

5 Q. This is an exhibit that I'm having
6 marked as Exhibit 14. This may be slightly
7 confusing in that it has an exhibit sticker on
8 it already. It bears the number Exhibit 3 and
9 this is from the deposition that you priorly
10 took in Wilson v. Kasich.

11 A. Okay.

12 Q. At the top of the document it says
13 Keep it Secret, Keep it Safe. Now, I've
14 mentioned you were shown this at a prior
15 deposition. But prior to that deposition do
16 you recall having seen this document?

17 A. So prior to the deposition seven
18 years ago had I -- do I recall having seen it?

19 Q. Yes.

20 MR. STRACH: Objection.

21 Go ahead and answer if you can.

22 THE WITNESS: Yeah, I mean, I think
23 at my deposition I said that I did not recall this
24 document and then when I was asked to provide
25 records pursuant to the public records request I

1 RAYMOND E. DiROSSI

2 came across it and provided it.

3 BY MS. THOMAS-LUNDBORG:

4 Q. Okay.

5 A. And that was the first

6 recollection of seeing it.

7 Q. And you said that you provided the
8 document as part of the public records request?

9 A. Yes.

10 Q. How did the document come to be in
11 your possession?

12 MR. STRACH: Objection to -- when you
13 say document, it's my understanding this was part
14 of a larger presentation. Are you referring
15 simply to this slide or the entire presentation?

16 MS. THOMAS-LUNDBORG: I'm referring
17 to the slide that we're currently looking at.

18 MR. STRACH: All right. Go ahead and
19 answer it.

20 THE WITNESS: Could you restate that,
21 please? I'm sorry.

22 BY MS. THOMAS-LUNDBORG:

23 Q. Yes. So you said that as part of
24 the public records request you provided this
25 document. How did the document come to be in

1 RAYMOND E. DiROSSI

2 your possession?

3 A. It was emailed to me.

4 Q. And do you recall who it was
5 emailed by?

6 A. I do not recall.

7 Q. Do you recall when it was emailed
8 to you?

9 A. I do not.

10 Q. Just going back to your question
11 -- to my question about who sent you the
12 document, if you could - and you can have this
13 version - turn to page 21, and I'm looking at
14 lines 4 through 6. And you can read around it
15 if you want to just refresh your recollection
16 with what's being asked here.

17 A. Okay.

18 Q. Looking at your prior testimony,
19 does this refresh your recollection of who
20 would have forwarded the document to you?

21 MR. STRACH: Objection to the
22 document, but go ahead and answer it.

23 THE WITNESS: Yeah, I mean, I said
24 seven years ago in this deposition that I believed
25 the email was forwarded to me, and obviously I say

1 RAYMOND E. DiROSSI

2 by Heather, but sitting here today I don't have
3 that specific recollection.

4 BY MS. THOMAS-LUNDBORG:

5 Q. Okay. Going back to Exhibit 14,
6 at the bottom of the exhibit it says presenter
7 John Morgan. Do you see that?

8 A. I do.

9 Q. Is it your understanding that's
10 the same John Morgan that we were previously
11 discussing?

12 A. Yes, that would be my
13 understanding.

14 (Thereupon, Plaintiffs' Exhibit
15 Number 15, Document Bates Stamped DIROSSI_0000038,
16 was marked for purposes of identification.)

17 BY MS. THOMAS-LUNDBORG:

18 Q. Okay. Moving on, I would like to
19 look at an exhibit that I'm having marked as
20 Exhibit 15. It's DIROSSI_38 for the record.
21 It is a calendar entry from August 30, 2011,
22 and the subject is Confirmed: Meet with Tom
23 Whatman. Do you see that?

24 A. I do.

25 Q. Who is Tom Whatman?

1 RAYMOND E. DiROSSI

2 A. So he was - I don't know if he
3 still is, I assume not - somebody that was
4 close to the Speaker of the United States House
5 of Representatives, John Boehner.

6 Q. And you said he was close to
7 Speaker Boehner. Do you know what the
8 relationship was between Mr. Whatman and
9 Mr. Boehner?

10 A. I don't.

11 Q. And how did you know that -- or
12 what was your understanding of -- strike that.

13 Why do you say that he was close
14 to Speaker Boehner?

15 A. He was another person who was a
16 resource or could -- you know, I could email
17 ideas to or he might email me ideas about the
18 congressional redistricting.

19 Q. My question is, why did you say he
20 was close to Speaker Boehner?

21 A. Just because he was the person --
22 if we wanted feedback, that's who I would have
23 emailed or --

24 Q. And feedback --

25 A. He either worked for him in his

1 RAYMOND E. DiROSSI

2 congressional office or he worked for him in
3 other capacities.

4 Q. Okay. And you said you would
5 email ideas to Mr. Whatman. What type of
6 ideas?

7 A. Again, so there were a lot of --
8 as we were going through this process, we were
9 confronted with a lot of big issues that we had
10 to work through. The loss of two seats was a
11 significant challenge for us in reconfiguring
12 the districts. We had a district in Northeast
13 Ohio that was represented by Congresswoman
14 Fudge who we wanted to make sure that the
15 district was drawn to her liking, so we were,
16 you know, communicating back and forth with her
17 and people around her.

18 There was also an intention to --
19 since we were losing two districts, we thought
20 -- or it was thought that we should absorb one
21 Republican incumbent and one Democratic
22 incumbent, and so there was a lot of
23 conversation about how that would happen.

24 There was also the desire among
25 some of the individuals, like Speaker

1 RAYMOND E. DiROSSI

2 Batchelder, for the first time in the state to
3 create a new district in Franklin County, as it
4 turned out, that could elect a second minority
5 member to Congress.)

6 And so there were a lot of big,
7 big issues -- those were big issues that kind
8 of were the overarching concepts that we were
9 working through. So I just said them in a
10 couple of rambling sentences, but those were
11 big deals, and so I was looking for a lot of
12 interaction and feedback and ideas on how to
13 achieve that.

14 Q. And you requested interaction on
15 those ideas that you just listed from
16 Mr. Whatman?

17 A. I don't recall if I specifically
18 asked for that, but those were a number of the
19 things we would have been talking about.

20 Q. And those are the types of
21 conversations, to be clear for the record, that
22 you would have had with Mr. Whatman?

23 A. I'm not saying exclusively, but
24 yes, that would have been --

25 Q. And what was your understanding of

1 RAYMOND E. DiROSSI

2 why Mr. Whatman was involved in the
3 redistricting process?

4 MR. STRACH: Objection.

5 BY MS. THOMAS-LUNDBORG:

6 Q. Your understanding of why.

7 A. I mean, the Speaker of the United
8 States House of Representatives was a
9 congressman from Ohio, and so President Niehaus
10 cared what his thoughts were.

11 Q. So you said there was a concern
12 about what the speaker's thoughts were. Was
13 there any concern about the thoughts of any
14 other sitting congresspeople at the time?

15 MR. STRACH: Objection.

16 Answer if you know.

17 THE WITNESS: Yeah, so --

18 BY MS. THOMAS-LUNDBORG:

19 Q. You said that President Niehaus
20 was concerned with the speaker's thoughts on
21 redistricting, and my question is was there any
22 concern about any of the other sitting
23 congresspeople?

24 A. Well, as I said, we were losing
25 two seats, so I think every member of Congress

1 RAYMOND E. DiROSSI

2 was eagerly anticipating what the legislature
3 was going to enact.

4 Q. And did you have any conversations
5 with any of these people -- with any of the
6 sitting congresspeople?

7 A. I would have talked to -- as we
8 previously mentioned, I had talked on a number
9 of occasions with Congressman Austria.

10 Q. Okay. Do you know who Steve
11 Strivers is?

12 A. Yes.

13 Q. And who is that?

14 A. He is a former state senator and
15 he -- I don't know if at the time he was a
16 sitting member of Congress.

17 Q. Okay.

18 A. And he currently is a member of
19 Congress.

20 Q. And which party is he from?

21 A. He's a Republican.

22 Q. And do you recall any
23 conversations with Steve Strivers at the time?

24 A. In reviewing documents that I
25 submitted, I think there was an email from me

1 RAYMOND E. DiROSSI

2 to him, but I don't -- I don't recall
3 specifically sitting here without looking at it
4 what that was.

5 Q. Okay. Do you know who Jim Jordan
6 is?

7 A. I do.

8 Q. Who is Jim Jordan?

9 A. He's a former state senator and a
10 current member of the Ohio Congressional
11 Delegation.

12 Q. Did you have any conversations
13 with Jim Jordan?

14 A. I do not believe so, no.

15 Q. Okay. Did you have any
16 conversations about Jim Jordan's district that
17 you recall?

18 A. Well, I had -- as I said, we had
19 18, we were going to 16, so I would have had
20 conversations about every district because
21 every district had to change.

22 Q. What about Steve Chabot, do you
23 know who that is?

24 A. I do.

25 Q. And who is that?

1 RAYMOND E. DiROSSI

2 A. He's a current member of the Ohio
3 Congressional Delegation.

4 Q. And do you recall if he was a
5 member then?

6 A. I don't recall. That's a district
7 that had bounced back and forth between
8 Republicans and Democrats and I can't recall at
9 the time who was the sitting member.

10 Q. Do you recall having any
11 conversations with Mr. Chabot about
12 redistricting?

13 A. None that I recall.

14 Q. Do you recall having any
15 conversations with anyone else that we haven't
16 mentioned about redistricting?

17 MR. STRACH: Objection.

18 BY MS. THOMAS-LUNDBORG:

19 Q. And by anyone else, I mean sitting
20 congresspeople.

21 A. We had a lot of conversations with
22 Congresswoman Fudge, Marcy Kaptur, Joyce
23 Beatty, but --

24 Q. Was Joyce Beatty in Congress at
25 that point?

1 RAYMOND E. DiROSSI

2 A. Yeah, she was not. She is now,
3 but she was not at the time.

4 Q. And you had conversations with
5 her?

6 A. Yeah, I'm trying to remember --
7 I'm trying to remember your previous question.

8 Q. My question is, at the time in
9 2011 do you recall having any conversations
10 with sitting congresspeople?

11 A. No, none that I can recall right
12 now, other than what we've spoken about.

13 Q. Okay. And I don't think this was
14 clear on the record, so if we could just go
15 back to Exhibit 7. This exhibit references a
16 call with now departed Congressman LaTourette.

17 Do you recall having any
18 conversations with Congressman LaTourette at
19 the time?

20 A. No. As I mentioned, just because
21 it says confirmed that means that I believe
22 that the call happened, doesn't necessarily
23 mean that I was part of it.

24 Q. That's fair. I'm asking a
25 separate question, which is do you recall

1 RAYMOND E. DiROSSI

2 having any conversation? It doesn't have to be
3 the one in the calendar entry.

4 A. Yeah, no, I do not.

5 Q. Okay. And then by conversation
6 I'm also referring to email. If you could just
7 turn to tab 27. I don't think I'm going to
8 enter it yet, but I just want to know if this
9 -- actually, it's not tab 27. Sorry. I will
10 tell you in a minute which tab it is. Yeah,
11 37. If you could turn to tab 37 for a second.

12 A. Sure.

13 Q. We'll enter it later.

14 Does this document refresh your
15 recollection of whether you had conversations,
16 either on phone or by email, with any other
17 sitting congresspeople?

18 A. Yeah, this email -- I am not the
19 sender of this email so it does not -- it does
20 not refresh my recollection.

21 Q. You were copied on this email,
22 though, correct?

23 A. Yes.

24 Q. And your email appears at the top
25 left corner, correct?

1 RAYMOND E. DiROSSI

2 A. Yeah, so you asked if I had
3 conversations with other congress --

4 Q. Or were part of conversations in
5 which they were involved.

6 A. Oh, I understood that you asked if
7 I had conversations with them.

8 Q. Were you part of any conversations
9 that we haven't discussed where you were
10 involved and other people were involved with
11 sitting congresspeople?

12 A. I mean, if you're including are
13 there any instances where I was cc'd on an
14 email and that satisfies it, obviously you're
15 showing me an email that I assume is
16 legitimate. So I was cc'd on this email. I
17 don't recall it.

18 Q. Okay.

19 MR. STRACH: Can we take another
20 break? We've been going another hour.

21 MS. THOMAS-LUNDBORG: Do we want to
22 just break for lunch?

23 MR. STRACH: Can we go off the record
24 and have that discussion?

25 THE VIDEOGRAPHER: We're off the

1 RAYMOND E. DiROSSI

2 record.

3 (Lunch recess taken.)

4 THE VIDEOGRAPHER: We're on the
5 record.

6 MS. THOMAS-LUNDBORG: Thank you.

7 BY MS. THOMAS-LUNDBORG:

8 Q. Good afternoon.

9 A. Good afternoon.

10 Q. So I would like to follow up on
11 some of the things that we spoke about earlier
12 this morning.

13 A. Okay.

14 Q. You mentioned having conversations
15 with Congressman Austria. Do you recall that?

16 A. I do.

17 Q. What were the nature of those
18 conversations?

19 A. So in House Bill 319, which was
20 the first map that was adopted by the General
21 Assembly, Congressman Austria and Congressman
22 Turner were put into one of -- the same
23 district. As I had mentioned, the state was
24 losing two congressional districts and so we
25 needed to get rid of two, or absorb two -- not

1 RAYMOND E. DiROSSI

2 get rid of, but absorb two.

3 In the first map House Bill 319,
4 Congressman Austria and Turner were both in a
5 district where roughly 50 percent of their old
6 district was in the new district, so basically
7 it would be a fair fight for them as they -- if
8 they both chose to run against each other. In
9 House Bill 369 -- now, as you can imagine,
10 Congressman Austria, nor Turner, were excited
11 about that.

12 But in 369, in order to get the
13 map through the legislative process, the
14 Democrats in the legislature specifically made
15 a number of requests to make changes to the map
16 in order to provide votes to support the new
17 map House Bill 369, and specifically the
18 request of the Montgomery County Democrats was
19 that all of Montgomery County be in the 10th
20 district.

21 This obviously upset the
22 geographical balance being 50 percent from
23 Turner's old district and 50 percent of
24 Austria's old district, and so I was conveying
25 multiple times in multiple conversations with

1 RAYMOND E. DiROSSI

2 Congressman Austria that, in order to get votes
3 from the legislative Democrats, that we were
4 going to adopt this request and it was changing
5 the district in a way that would not be
6 beneficial to him for his previous district;
7 and that that was a decision that the speaker
8 and the president had made in order to secure
9 votes from legislative Democrats, which we
10 ultimately did get a number of from the
11 Montgomery County delegation.

12 And so obviously I was relaying
13 that to Congressman Austria, that that change
14 had occurred and that decision had been made by
15 the speaker and the president, and that it
16 wouldn't be -- wouldn't be good for him.

17 Q. Now, when you refer to speaker,
18 was that Speaker Batchelder?

19 A. Batchelder (pronouncing), yes.

20 Q. Batchelder, excuse me.

21 A. Thank you for clarifying, yes.

22 Q. Did you have any conversations
23 with Tom Whatman about the changes to
24 Congressman Austria's district?

25 A. I don't recall any specific

1 RAYMOND E. DiROSSI

2 conversations about that with Tom.

3 Q. Did you have any conversations
4 with Adam Kincaid about changing Congressman
5 Austria's district?

6 MR. STRACH: Objection. Do you mean
7 throughout the entire process or as it relates to
8 this House 369 change?

9 MS. THOMAS-LUNDBORG: Throughout the
10 whole process.

11 THE WITNESS: Okay. Could you repeat
12 it again?

13 BY MS. THOMAS-LUNDBORG:

14 Q. Did you have any discussions with
15 Adam Kincaid about Congressman Austria's
16 district?

17 A. None that I can specifically
18 recall exact conversations with him.

19 Q. Did you have any emails, either
20 where you sent it, received it or were copied,
21 with Adam Kincaid about Congressman Austria's
22 district?

23 A. None that I can recall
24 specifically here.

25 Q. And did you have any emails where

1 RAYMOND E. DiROSSI

2 you either sent, received or were copied about
3 Congressman Austria's district with Tom
4 Whatman?

5 A. None that I can specifically
6 recall sitting here.

7 Q. Going back to President Niehaus,
8 you said that you received suggestions
9 throughout the process, not just in 369, from
10 him. What were the nature of those
11 suggestions?

12 A. So it was -- as I mentioned before
13 and mentioned the big -- the big pillars of
14 what the districts were going to look like,
15 losing two districts, trying to make sure the
16 11th congressional district of Northeast Ohio
17 was proposed in a certain way, these were --
18 those were conversations that he and I were
19 having about how -- what we were going to try
20 to do to achieve those.

21 Q. And the same question for the
22 Speaker of the Ohio House.

23 A. Yeah, I -- I worked more closely
24 with the president and the Senate so I don't
25 recall any specific conversations I had with

1 RAYMOND E. DiROSSI

2 the Speaker of the Ohio House on those topics.

3 Q. And when the decision was made to
4 change Congressman Austria's district, was
5 anyone else involved in that decision besides
6 the president and the speaker that you recall?

7 A. Well, the -- the genesis for the
8 change came from the legislative Democrats that
9 ultimately provided their votes to do it, so
10 that's where it would have originated. So they
11 would have been involved because they were the
12 ones asking for the change.

13 Q. And outside of those individuals,
14 the legislative Democrats, was anyone else
15 involved in that decisionmaking process?

16 A. I can't recall the decisionmaking
17 process of who else would have been involved
18 other than the people I articulated.

19 Q. So going back, I would like to go
20 to the kind of map drawing process --

21 A. Sure.

22 Q. -- and we've discussed a little
23 bit Ms. Blessing. Do you recall when you first
24 met Ms. Blessing?

25 A. I've known Heather a long time

1 RAYMOND E. DiROSSI

2 before this process, but I cannot recall when I
3 first met her.

4 Q. And then you said earlier this
5 morning that prior to you being retained you
6 had conversations with President Niehaus and
7 that you were talking about what was needed to
8 get redistricting done.

9 What were the types of things that
10 needed to be done?

11 A. We needed to figure out who was
12 going to be involved in the process, we needed
13 to have hearings of the legislative task force
14 on redistricting and demographic research, we
15 needed to make sure that there was money
16 available to both the Republican and Democratic
17 caucuses so that they could hire consultants,
18 buy equipment, purchase software.

19 We needed to make sure that
20 Cleveland State University and Ohio University,
21 the ones that were contracted with to provide
22 the data to all of the State of Ohio, was
23 happening -- was happening in a timely manner
24 pursuant to that contract, and we had to start
25 thinking about - specifically on the

1 RAYMOND E. DiROSSI

2 congressional redistricting, since it is a bill
3 that the legislature would have to adopt - when
4 the legislature would have hearings, when the
5 legislature would have votes, and when they
6 could actually pass a bill. Those types of
7 logistical issues.

8 Q. Okay. Now, you listed a number of
9 things. Did any of those things happen before
10 August 1, 2011?

11 A. Are you referring to conversations
12 about those or are you actually saying those --
13 did those specific things happen?

14 Q. Did any of those specific things
15 happen before August of 2011? Would you like
16 to take them in turn?

17 A. Sure, that would be helpful.

18 Q. Okay. A decision about who would
19 be involved in redistricting?

20 A. Well, and you're asking if a
21 decision on that happened before the contract
22 was put in place?

23 Q. Yes.

24 A. Well, so the contract made that
25 decision, so that kind of happened -- the

1 RAYMOND E. DiROSSI

2 contract kind of decided who were going to be
3 the hired people to do that.

4 Q. Okay. A decision about hearing
5 dates and when hearings would take place?

6 A. I can't recall if that was -- was
7 finalized before or after.

8 Q. A decision about money to the
9 caucuses?

10 A. I don't recall. You provided some
11 documents that had dollar amounts and
12 supplemental dollar amounts. I'm not sure I
13 understand those timelines yet fully.

14 Q. Okay. A decision about Cleveland
15 State's provision of data?

16 A. That, the decision to hire
17 Cleveland State and OU, who also provided the
18 data and were the contractors in '01, had been
19 made prior to my contract being signed in
20 August. Well before, years before.

21 Q. Okay. But you had decisions (sic)
22 about that in 2011 with the president? You had
23 conversations with the president about that in
24 2011?

25 A. Well, those conversations in 2011

1 RAYMOND E. DiROSSI

2 would have been about the ongoing whether or
3 not they were going to meet their timelines and
4 contractual obligations, but the decision to
5 hire them had happened many years before.

6 Q. And those -- the conversations
7 about whether they were going to meet their
8 timeline, did that happen before August?

9 A. I couldn't say specifically.
10 Those happened over a long period of time,
11 maybe -- I can't recall the specific
12 conversations.

13 Q. And then the decision about when
14 the legislature -- the House and the Senate
15 would actually have the map, did those
16 conversations happen before August?

17 A. There were conversations about it,
18 but I do not believe a decision would be made
19 -- was finally made.

20 Q. Okay. Now, we discussed Maptitude
21 earlier this morning. Did you get licenses to
22 use Maptitude?

23 A. We did.

24 Q. Were there -- was there one
25 license or was there more than one?

1 RAYMOND E. DiROSSI

2 A. I don't specifically recall. I
3 don't specifically recall how the licenses were
4 done. I don't recall.

5 Q. Okay. You mentioned that you
6 worked in Maptitude, Ms. Blessing worked in
7 Maptitude and you said Troy Judy also worked in
8 Maptitude?

9 A. (Witness nodded head up and down.)

10 Q. And so to Troy Judy, was he
11 actually in the software changing district
12 lines or what was the nature of his
13 involvement?

14 MR. STRACH: Objection.

15 THE WITNESS: Yeah, he would be
16 better to answer that.

17 BY MS. THOMAS-LUNDBORG:

18 Q. Well, do you recall whether he was
19 changing district lines or not?

20 A. I don't recall.

21 Q. When it came to the map, where was
22 the map drawn? And let's first start with 319.
23 Where was that drawn?

24 A. Well, the computers that we had
25 purchased through the legislative task force

1 RAYMOND E. DiROSSI

2 were the computers at which Heather and I spent
3 our time. So on those computers would have
4 been the -- where we were putting together the
5 proposed districts.

6 Q. And where were those computers
7 located?

8 A. In our office.

9 Q. And where was your office?

10 A. The office was at the DoubleTree
11 hotel.

12 Q. Okay. And why did you decide to
13 put your office in the DoubleTree hotel?

14 A. Yeah, it's actually the same place
15 that the previous decade we had chosen. It
16 came from my experience the previous decade, as
17 we talked about, when I worked for the House.
18 The redistricting and apportionment process is
19 very unique to the State of Ohio, it's unique
20 to every state, and it happens once every
21 decade. And the amount of time and the hours
22 that I knew that we would need to put into this
23 process, I did not feel that in the Ohio House
24 or in the Senate there was office space that
25 would be conducive to that environment.

1 RAYMOND E. DiROSSI

2 Specifically having been the
3 budget director in the House in the summer when
4 we were doing budgets, I know that after about
5 6:00 every day the Ohio Building Authority
6 turns off the air-conditioning, and if you want
7 to run air-conditioning on a floor you have to
8 pay about \$300 an hour to run air-conditioning.

9 And so we looked at trying to find
10 office space in the Riffe Center or in the
11 Statehouse and we just did not feel that,
12 either in 2001 or in 2010, that that was
13 conducive to that -- the needs that we had.
14 So we looked for office space on Capitol Square
15 that we could use and that's how we made the
16 decision both decades to use the DoubleTree.

17 Q. Okay. At different points in your
18 answer you said you and we. Who participated
19 in the decision to have the office at the
20 DoubleTree?

21 A. In this decade, Heather and I were
22 the ones that went and looked at -- those are
23 the people that I remember, we went and looked
24 at what the offices would look like and to see
25 if it would be conducive to what our needs

1 RAYMOND E. DiROSSI

2 were.

3 (Thereupon, Plaintiffs' Exhibit

4 Number 16, Document Bates Stamped LWVOH_00018254,
5 was marked for purposes of identification.)

6 BY MS. THOMAS-LUNDBORG:

7 Q. Okay. I would like to show you an
8 exhibit that I'm having marked as Exhibit 16.
9 It has Bates number LWVOH_18254. Do you see
10 that?

11 A. I do.

12 Q. Okay. And at the top it says
13 DoubleTree Suites and Invoice. Do you see
14 that?

15 A. I do.

16 Q. And under the name of the
17 customer, the name is Mr. DiRossi. Do you see
18 that?

19 A. I do.

20 Q. Is that your name?

21 A. It is.

22 Q. Do you recall being the one who
23 was responsible for getting the room at the
24 DoubleTree?

25 A. I mean, my name is on the invoice.

1 RAYMOND E. DiROSSI

2 I remember talking to Carrie, who was the
3 coordinator for long-term stays, and I
4 obviously was the one who signed the invoice.

5 Q. Okay. And here the date is under
6 miscellaneous, 7/12/2001 (sic). Do you see
7 that?

8 A. Yes.

9 Q. Do you recall getting the room, at
10 least in place, for the DoubleTree in early
11 July of 2011?

12 A. Yes.

13 Q. And then if we look at the first
14 line of quantity, it says one room, guest room,
15 July 17th through October 15th, 2011. Do you
16 see that?

17 A. I do.

18 Q. Do you recall having the room from
19 July 17th through October 15th, 2011?

20 A. I do.

21 Q. Do you recall who had keys to the
22 hotel room?

23 A. I know for sure that I had a key
24 and I know that Heather had a key, and beyond
25 that, I do not recall.

1 RAYMOND E. DiROSSI

2 Q. If you could look at page 26 of
3 your prior deposition, and I'm looking at the
4 answer that starts at line 10. If you could
5 read that and let me know if that refreshes
6 your recollection regarding who had keys to the
7 hotel room.

8 A. You want me to read it?

9 Q. You don't have to read it for the
10 record. You can just read it to yourself and
11 tell me if that refreshes --

12 A. I didn't know if you wanted me to
13 read it out loud or -- thank you.

14 Okay, I've read it.

15 Q. Does that refresh your
16 recollection regarding who had keys to the
17 hotel room?

18 A. Well, yeah, it definitely confirms
19 that Heather and I had swipe cards or keys and
20 then I also say I think other -- a couple other
21 people had keys as well.

22 Q. Okay. And who were the other
23 people who had keys?

24 A. Yeah, so sitting here today I'm
25 not sure I can remember specifically if they

1 RAYMOND E. DiROSSI

2 had keys or not.

3 Q. Okay.

4 A. So did that answer your question?

5 I'm sorry.

6 Q. That answers it. Let me just ask
7 some names.

8 At any point did -- at any point
9 did the minority leader for the House have keys
10 to the hotel room?

11 A. No.

12 Q. At any point did anyone on the
13 minority leader's staff have keys -- and by
14 minority leader I'm just talking about House,
15 have keys to the hotel room?

16 A. No.

17 Q. At any point did the minority
18 leader of the Senate have keys to the hotel
19 room?

20 A. No.

21 Q. At any point did a member of the
22 minority leader's staff have keys to the hotel
23 room?

24 A. No. I should be saying not to my
25 knowledge. I didn't -- I did not personally

1 RAYMOND E. DiROSSI

2 give any of the people you named keys. But as
3 I mentioned, there were a few other keys, so I
4 mean, I guess I should be clear that somebody
5 else could have given them one, but I did not.

6 Q. Did you ever see any of the
7 individuals that we just named in the hotel
8 room?

9 A. No.

10 Q. Did anyone who could be identified
11 as a Democrat have a key to the hotel room?

12 MR. TUCKER: Objection to form.

13 THE WITNESS: Yeah, I mean, I've
14 listed the two people that I know for sure had
15 keys, in my previous deposition I mentioned two
16 other people that might have. Other than that, I
17 don't -- I don't know if they at any time would
18 have given keys to other people. I don't know.

19 BY MS. THOMAS-LUNDBORG:

20 Q. Did you ever see anyone who could
21 be identified as a Democrat in the hotel room?

22 A. I did not.

23 (Thereupon, Plaintiffs' Exhibit
24 Number 17, Document Bates Stamped DIROSSI_0000051,
25 was marked for purposes of identification.)

1 RAYMOND E. DiROSSI

2 BY MS. THOMAS-LUNDBORG:

3 Q. Okay. I'm going to have marked as
4 Exhibit 17 DIROSSI_51, and the subject is
5 Confirmed: Meet with Niehaus at the bunker,
6 location is redistricting office, and it's
7 September 15th, 2011. Do you see that?

8 A. I do.

9 Q. What is the bunker?

10 A. Well, that was just the name that
11 I gave the redistricting office. As you just
12 read in the email, I referred to the DoubleTree
13 hotel by a number of names, including
14 redistricting office and many other things.

15 Q. And so you were responsible for
16 the name bunker?

17 A. Yes.

18 Q. And how did you come up with that
19 name?

20 A. Sorry. The previous decade, 2001,
21 that is actually where I was on September 11th
22 working on the 2001 apportionment, and I
23 referred to it, as -- as there was so much
24 happening in the country and the state, as a
25 bunker, and so I used that term again the next

1 RAYMOND E. DiROSSI

2 decade.

3 But as you can see, I referred to
4 it as the hotel, I referred to it as the
5 office, I referred to it as the redistricting
6 office, I referred to it as off site, I
7 referred to it as bunker on occasions. I mean,
8 I referred to this physical place by a number
9 of names.

10 Q. Understood.

11 (Thereupon, Plaintiffs' Exhibit
12 Number 18, Document Bates Stamped DIROSSI_0000051,
13 was marked for purposes of identification.)

14 BY MS. THOMAS-LUNDBORG:

15 Q. I would like to change to Exhibit
16 18. So this, again, it's going to be a little
17 confusing because this already has an exhibit
18 sticker 17. The exhibit sticker is from your
19 prior deposition. It's also a number of
20 documents put together that I did not
21 disaggregate since they were put together in
22 that deposition. And so let's start with the
23 first document, but we'll go through all three
24 hopefully very quickly.

25 Do you see that this first

1 RAYMOND E. DiROSSI

2 document on -- I'll just say the first page of
3 the exhibit since there are different page
4 numbers at the bottom, an email that's from
5 line is RayDiRossi@Gmail.com?

6 A. Yes.

7 Q. Is that your email address?

8 A. RayDiRossi@Gmail.com?

9 Q. Yes.

10 A. Yes, it is.

11 Q. Okay. And the email is to a
12 Clinton Morefield. Do you see that?

13 A. I do.

14 Q. Who is that?

15 A. He at the time was the -- either
16 the IT or the -- the IT person for the Ohio
17 Senate.

18 Q. Okay. And then the other person
19 that this is to is Heather Mann. We've
20 discussed her, but do you recognize that email
21 address, HeatherMann@Gmail.com?

22 A. Yes.

23 Q. And was that Heather Mann's, now
24 Heather Blessing's, Gmail address?

25 A. At least at the time it was one

1 RAYMOND E. DiROSSI

2 that I used for her, yes.

3 Q. Okay. The email then copies a Jon
4 Cook. Do you see that?

5 A. I do.

6 Q. Who is that?

7 A. He would be the IT director - I'm
8 sure I'm getting his title right - him, along
9 with Clint, of the Ohio House.

10 Q. Okay. And then in the text of the
11 email you say, We're at the actual hearing at
12 2:30 in Senate finance. We'll be back at the
13 bunker later today after the hearing is over.
14 Do you see that?

15 A. I do.

16 Q. Let's turn to the next page.
17 Again, this was put together by prior counsel,
18 so you can't blame me for that. Do you see in
19 the top right corner your email address?

20 A. We're looking at this one?

21 Q. Yes, we are.

22 A. Yes, I do.

23 Q. Okay. And then do you see in the
24 -- what seems to be the from line your email
25 address?

1 RAYMOND E. DiROSSI

2 A. Yes.

3 Q. And then the email to Matt

4 Schuler, do you see that?

5 A. I do.

6 Q. And who was Matt Schuler?

7 A. He was the chief of staff in the

8 Senate at the time.

9 Q. Okay. And then the text of the

10 email says, I'm free all day today at the

11 bunker. Do you see that?

12 A. I do.

13 Q. Moving to the next page --

14 A. This is the same email that refers

15 to -- the headline and subject of the email is

16 Meeting Tuesday at the Redistricting Office.

17 So again, this is -- the meeting was at the

18 redistricting office and it was me just calling

19 it by another name in the body of the email.

20 Q. I see that.

21 Going to the next page, do you see

22 your email in the top right corner of this

23 document?

24 A. Yes.

25 Q. And then it looks like your email

1 RAYMOND E. DiROSSI

2 is in the from line. Do you see that?

3 A. My email is in the from line.

4 Okay. I see that.

5 Q. Okay. And this is to a

6 Vaughn@CapitalStrategiesGroup.com. Do you see
7 that?

8 A. I do.

9 Q. Who is Vaughn?

10 A. Vaughn Flasher, who we mentioned
11 earlier.

12 Q. And Vaughn Flasher, you said,
13 helped put together the indices?

14 A. He helped provide guidance on what
15 statewide nonjudicial election races might be
16 good to use for putting together historical
17 election data.

18 Q. And did Vaughn Flasher have any
19 other involvement in redistricting?

20 A. None that I recall. None that I
21 recall here.

22 Q. Okay. And then Matt Schuler is
23 copied here; is that correct?

24 A. That's true.

25 Q. And that's the same Matt Schuler

1 RAYMOND E. DiROSSI

2 we just referenced?

3 A. Yes.

4 Q. And then just going down -- so
5 there's the top email and there's another email
6 below it, so I'm going to focus on that, with
7 all the same people involved. And then it
8 says, I am meeting with Senator Manning at the
9 bunker today at 3:30 p.m. today if the Senate
10 session is over. Do you see that?

11 A. I do.

12 Q. So now we've looked at three
13 different emails to various individuals where
14 you've used the term bunker; is that correct?

15 A. Yes.

16 MR. STRACH: Objection.

17 BY MS. THOMAS-LUNDBORG:

18 Q. Was the term bunker commonly used
19 during that period?

20 A. I think, as I said, I referred to
21 this office by a number of names. I just kind
22 of used them interchangeably.

23 Q. Well, you didn't define the term
24 bunker in any of the emails that we looked at,
25 did you?

1 RAYMOND E. DiROSSI

2 A. I don't know what you mean by
3 define it.

4 Q. Well, did you say in any of the
5 emails I'm at the bunker, aka the redistricting
6 office?

7 A. Well, I mean, like in the email we
8 just looked at, the subject is Tuesday at
9 Redistricting Office and then I say I'll be
10 over in the bunker --

11 Q. Okay. What about the --

12 A. -- so I'm using them
13 interchangeably.

14 Q. What about the first document, do
15 you refer to the redistricting office here?

16 A. Are you looking at 18 or 17?

17 Q. 17. I mean, it is our Exhibit 18,
18 but it has the 17 sticker on it. But I'm
19 looking at this email to Clint Morefield,
20 Heather Mann and Jon Cook. Do you refer to the
21 redistricting office in this email?

22 A. I don't see that I did in this
23 particular instance.

24 Q. Okay. Going to the last page of
25 the exhibit, do you refer to the redistricting

1 RAYMOND E. DiROSSI

2 office in this email? This is the email to
3 Vaughn and Matt Schuler.

4 A. I did not.

5 Q. Okay. So we've talked about who
6 had keys to the hotel room. Who actually
7 visited the hotel room to your recollection?

8 A. You're specifically asking about
9 the congressional redistricting process?

10 Q. Yes, or whoever visited the hotel
11 room at the time.

12 A. Dave Yost, who was I believe the
13 auditor, was there, President Niehaus was
14 there, Speaker Batchelder, obviously Heather
15 and I and Troy were there.

16 Q. What about Matt Schuler, was he
17 there?

18 A. I don't recall if Matt was ever
19 there. I can't recall.

20 Q. What about Tom Whatman?

21 A. I can't recall if Tom was ever
22 there.

23 Q. What about Adam Kincaid?

24 A. I cannot recall if he was ever
25 there.

1 RAYMOND E. DiROSSI

2 Q. Was anyone else on President

3 Niehaus' staff at the hotel room?

4 A. Clarify for me what you mean by

5 President Niehaus' staff.

6 Q. Anyone who worked with President

7 Niehaus.

8 A. Okay. I do believe, from this

9 previous email, that Clint Morefield came over

10 to help us install the plotter so that we could

11 print and he would have been a member of the

12 Senate staff. Other than that, I cannot recall

13 anybody specifically who would have been there.

14 Q. Okay. What about anyone on the

15 Speaker of the Ohio's House staff?

16 A. I'm trying to remember - this was

17 so long ago - of who was actually members of

18 the staff at the time. Nobody comes to mind.

19 Q. Okay. What about anyone on the

20 Governor's staff?

21 A. Beth Hansen was there at least on

22 one occasion where I was present.

23 Q. What about anyone on the auditor's

24 staff?

25 A. Other than I mentioned the auditor

1 RAYMOND E. DiROSSI

2 himself, I do not recall any members of his
3 staff.

4 Q. What about the Secretary of State?

5 A. The Secretary of State was there
6 once personally, but I cannot remember any
7 members of his staff being present.

8 And again, I just would maybe
9 point out, a lot of these -- I kind of fell
10 into the trap. A lot of these are
11 apportionment and are not redistricting, so I
12 apologize if I jumped back and forth there.
13 The Governor, the auditor, the Secretary of
14 State are apportionment board members, and so
15 in many instances when I was referring to them
16 being there, they weren't there to have
17 anything to do with redistricting, they were
18 there for apportionment. Apologies.

19 Q. Okay. Fair enough.

20 What about Mark Huffman?

21 A. Mark Huffman?

22 Q. Do you know who Mark Huffman is?

23 A. That name does not sound familiar.

24 Q. Do you recall there was a Mark
25 Huffman in the Ohio House at the time?

1 RAYMOND E. DiROSSI

2 A. As a state representative? That
3 name is not familiar.

4 Q. Do you recall who the sponsor of
5 319 was?

6 A. I think I do, but it's not Mark
7 Huffman, no.

8 Q. Who is the sponsor that you're
9 thinking of?

10 A. I don't want to -- I don't want to
11 guess. I don't want to guess.

12 Q. Okay. Oh, sorry. I've been
13 corrected. Do you know a Matt Huffman?

14 A. Oh, state -- current state
15 senator, former state representative, okay,
16 yes, I do know Matt Huffman.

17 Q. Okay. And was Matt Huffman ever
18 at the hotel room?

19 A. None that I can specifically --
20 not that I can specifically recall.

21 Q. And was Matt Huffman the sponsor
22 of 319?

23 A. I believe he was, yes.

24 Q. And was Matt Huffman --

25 A. In fact, he was, he was.

1 RAYMOND E. DiROSSI

2 Q. And was Matt Huffman the sponsor
3 of 369?

4 A. I don't know for sure. I can't
5 speak to that.

6 Q. Okay. Do you know a Keith Faber?

7 A. I do.

8 Q. And who is Keith Faber?

9 A. He was a state senator at the
10 time.

11 Q. And was Keith Faber ever at the
12 hotel room?

13 A. Yes, he was.

14 Q. And how many times?

15 A. I couldn't tell you specifically
16 how many times.

17 Q. Okay. Was it more than once?

18 A. Yes.

19 Q. And was Keith Faber the Senate
20 sponsor of the bill?

21 A. I can't answer that. I don't know
22 whether that senator sponsored the bill or not.

23 Q. Did he sponsor the bill in the
24 Senate?

25 A. I can't answer that. I don't

1 RAYMOND E. DiROSSI

2 know. I don't know.

3 Q. Okay. Did you work on the Senate
4 legislative process in your role?

5 A. Can you help me understand the
6 Senate? You mean --

7 Q. Did you work on the bill, any of
8 the processes or procedures of getting the bill
9 moved through Senate?

10 A. Very -- very little. Like I said,
11 my role was to work to get the districts put
12 together in a legislative form so that it could
13 go through the legislative process. Once that
14 started with 319 and 369, I didn't have really
15 much of a role.

16 Q. Okay. Was John Morgan ever at the
17 hotel room?

18 A. I can't recall if he was ever
19 physically there.

20 Q. Was Mark Braden ever in the hotel
21 room?

22 A. Yes.

23 Q. And how many times?

24 A. I don't recall a specific number
25 of times.

1 RAYMOND E. DiROSSI

2 Q. More than once?

3 A. Yes.

4 Q. And then you mentioned that Troy
5 Judy was there and working on the maps. Do you
6 recall how many times he was at the hotel room?

7 A. In terms of a specific number, I
8 do not.

9 Q. Was it more than once?

10 A. Yes.

11 Q. And in this hotel room, just so
12 the record is clear, did you work on both the
13 redistricting congressional map and the
14 apportionment map for the Ohio legislature?

15 A. Yes.

16 Q. Okay.

17 A. But if I could clarify that --

18 Q. Sure.

19 A. -- as we talked about earlier, not
20 exclusively, because there were two maps, 319
21 and 369, and by the time 369 was moving through
22 the legislature we were no longer in the
23 redistricting office.

24 Q. Okay. Where were you when 369 was
25 being worked on?

1 RAYMOND E. DiROSSI

2 A. In the Statehouse.

3 Q. Okay. And where in the
4 Statehouse?

5 A. In the Senate annex building.

6 Q. And was that room available when
7 you were working on 319?

8 A. I don't -- no, it was not.

9 Q. And why wasn't it available?

10 A. It was housing all of the public
11 records documents from the previous decades and
12 they all had to be moved out to make room.

13 Q. And when were those moved?

14 A. I don't recall the specific
15 timeline.

16 Q. Was it your understanding that
17 those were moved specifically so you could use
18 that room?

19 A. Yes.

20 Q. Okay. Regarding the hotel room,
21 did you go to the hotel room every day when you
22 were working on the map?

23 A. No.

24 Q. How often were you in the hotel
25 room?

1 RAYMOND E. DiROSSI

2 A. Often.

3 Q. Was it a few times a week, once a
4 week?

5 MR. STRACH: I'm just going to object
6 and ask if you will clarify, when you say the map
7 do you mean the legislative map or the
8 congressional map?

9 MS. THOMAS-LUNDBORG: I'm talking
10 about the congressional map.

11 THE WITNESS: And your question was
12 how often did I --

13 BY MS. THOMAS-LUNDBORG:

14 Q. How often were you in the hotel
15 room? During --

16 A. Often.

17 Q. During a given week, how many
18 times were you in the hotel room?

19 MR. STRACH: Objection.

20 THE WITNESS: It would depend on the
21 week. I mean, there were some weeks when we
22 weren't there a lot and there were other weeks
23 where we were there every day. It would vary
24 depending on the --

25 BY MS. THOMAS-LUNDBORG:

1 RAYMOND E. DiROSSI

2 Q. And when you say we were there
3 every day, who would be there if you were there
4 every day?

5 A. I'm referring to Heather and I.

6 Q. Was anyone else in the hotel room
7 as often as you were?

8 A. No, other than Heather.

9 Q. When you went to the hotel room,
10 how long would you be in there typically?

11 A. Well, typically is -- nothing
12 about this was typical, so it was very extended
13 periods of time. I'm sorry, do you have --
14 what is the question?

15 Q. The question was how long would
16 you be in the hotel room when you were there?

17 A. I mean, a long time.

18 Q. And what is your definition of a
19 long time since everyone will define it
20 differently?

21 A. Well, I'm sure there were times
22 with -- other than going out for lunch or
23 dinner, that I was there 24 hours straight, and
24 I'm sure there were other times when I wasn't
25 there for any time during a 24-hour period.

1 RAYMOND E. DiROSSI

2 Q. And other than Heather Mann, was
3 anyone in the hotel room for an extended period
4 of time, like 24 hours?

5 A. I would -- I would say Heather and
6 I were the two -- the two people that were
7 there the most --

8 Q. And how --

9 A. -- on that question.

10 Q. I'm sorry. How many computers did
11 you have to work on while you were there?

12 A. Three.

13 Q. And how often were three people
14 working on the computers at any given time?

15 A. How do you want me to quantify
16 that? I mean --

17 Q. You could say once a week, twice a
18 week, three times a week.

19 A. It varied so -- it varied so much,
20 I mean, I don't know if I could pin that down
21 specifically.

22 Q. Okay. Who else used the computers
23 in the hotel room?

24 A. I had a computer that I used,
25 Heather had a computer that she used, and then

1 RAYMOND E. DiROSSI

2 there was another computer that was there as
3 needed, that Troy probably -- Troy Judy would
4 have used when he was there.)

5 Q. Did anyone other than Troy Judy
6 use the third computer?

7 A. Not to my knowledge.)

8 Q. Other than the computer, did you
9 have other equipment installed at the hotel
10 room?

11 A. We had a plotter. We had a
12 plotter so that we could print maps in color so
13 that the legislative leaders could share those
14 maps with who they wanted to share maps with.
15 We had a network -- we had a networking switch
16 that allowed the computers to be connected
17 directly, and, you know, that was the extent of
18 the equipment.)

19 Q. Were the computers connected to
20 the worldwide web?

21 A. They were not.)

22 (Thereupon, Plaintiffs' Exhibit
23 Number 19, Documents Bates Stamped
24 DIROSSI_0000139-0000141, was marked for purposes
25 of identification.)

1 RAYMOND E. DIROSSI

2 BY MS. THOMAS-LUNDBORG:

3 Q. I would like to show you a
4 document that I'm having marked as Exhibit 19,
5 and for identification the first page is
6 DIROSSI_139. And I'm going to skip the first
7 page, we'll come back to that. If you could
8 move to the second page of the document,
9 please.

10 And at the top of the second page
11 it says Congressional Redistricting Timeline.
12 Do you see that?

13 A. I do.

14 Q. The first entry is Wednesday, July
15 20th, 2011. Do you see that?

16 A. I do.

17 Q. And let me first ask you --
18 actually, let me strike the last question.

19 Do you recognize this document?

20 A. I do.

21 Q. Is this a document you created?

22 A. It is.

23 Q. Okay. And why did you put this
24 document together?

25 A. Which piece of it are you

1 RAYMOND E. DiROSSI

2 referring to?

3 Q. Well, let's deal with this second
4 page. Why did you put the second page
5 together?

6 A. As we had talked about, one of the
7 things that I was concerned about were the
8 logistical and the timelines for producing --
9 the legislature to produce a -- pass a bill
10 that would become the congressional districts,
11 and so this was just putting on paper some of
12 those timelines, including some of the proposed
13 dates where the legislators would be traveling
14 the state to get public input.

15 Q. Okay. So the first entry, it
16 looks like, was July 20th, 2011; is that
17 correct?

18 A. It appears to be, yes.

19 Q. So does this document predate July
20 20th, 2011?

21 A. I don't recall specifically when I
22 made it.

23 Q. Okay. The first entry is a series
24 of two meetings, one is 9:00 a.m. to 12:00 p.m.
25 in Columbus, and then 3:00 p.m. to 6:00 p.m. in

1 RAYMOND E. DiROSSI

2 Zanesville. What were these meetings?

3 A. These were the five locations and
4 dates for the public hearings that the Senate
5 committee on redistricting was going to be
6 having.

7 Q. Okay. The first meeting is July
8 20th, 2011. To your knowledge was there a
9 draft map at that point?

10 A. So when you say -- help me
11 understand a draft map. What does that mean?

12 Q. Had anyone started to put together
13 a map at that point?

14 A. Well, I can't speak for did
15 anyone. I did not.

16 Q. Okay. Had you seen a draft map at
17 that point?

18 A. I don't recall if I had seen
19 anybody else's ideas on July 20th.

20 Q. Do you know whether any maps were
21 shared at this July 20th meeting?

22 A. I honestly can't tell you if I
23 attended these. I don't recall.

24 Q. You don't recall whether you
25 attended them?

1 RAYMOND E. DiROSSI

2 A. I don't recall.

3 Q. Okay. We'll start with this one.

4 And we can go through a number of these, but
5 I'll try to keep the number as low as possible.
6 So I'm not entering it in the record. It's
7 just to refresh your recollection. It's a
8 document, DIROSSI_2225 that you produced to us.

9 Does this document refresh your
10 recollection about whether you attended any of
11 these hearings?

12 A. It does not.

13 Q. Okay. I'm showing you another
14 document that is DIROSSI_147, again I'm not
15 entering it, and it's the announcement of the
16 committee hearings. Does this document refresh
17 your recollection about whether you attended
18 any of the hearings?

19 A. It does not.

20 Q. Okay. I'm showing you a document,
21 it's marked DIROSSI_00020. It is a witness
22 information form from 7-20-11, Jim Slagle. It
23 appears to correspond with one of the hearings.
24 Does this document refresh your recollection?

25 MR. STRACH: And just to be clear,

1 RAYMOND E. DiROSSI

2 it's actually DIROSSI_202.

3 MS. THOMAS-LUNDBORG: Oh, sorry, 202.

4 THE WITNESS: No, it does not.

5 BY MS. THOMAS-LUNDBORG:

6 Q. Okay. I think this will be the
7 last. Sorry, I'm just looking for one other.
8 I'll just add one more document, I think. So
9 I'll just represent -- I have a number of
10 these, but I'll just hand you one now.

11 This is a calendar entry and there
12 are calendar entries corresponding with all of
13 the hearings listed here. Does this document
14 refresh your recollection about whether you
15 attended the hearings?

16 A. No. As I said before, just
17 because it says confirmed just meant that I --
18 the hearing was happening, not that I was
19 necessarily attending.

20 Q. Okay. Were you aware of the
21 hearings as they were happening?

22 A. I was -- I was aware that the
23 hearings were going to be held.

24 Q. Okay. Did you get any feedback,
25 if you didn't attend the hearings, about what

1 RAYMOND E. DiROSSI

2 happened at each hearing?

3 A. I don't -- I don't recall. I
4 mean, Jim Slagle with the Ohio Campaign for
5 Accountable Redistricting and I had a couple of
6 conversations throughout this process and I'm
7 sure he would have articulated his --
8 reiterated some of the points of his testimony.
9 But other than that, I don't have any specific
10 recollection.

11 Q. Okay. Do you recall why you held
12 on to so many documents related to the hearing?

13 A. Because having been through this
14 the decade before, I knew that lawsuits would
15 be coming and they were public records, and so
16 I kept a lot of this stuff.

17 Q. To your knowledge did any of the
18 feedback from the hearings make it into
19 anything that you worked on?

20 A. Well, and not to mix, but in the
21 apportionment map, absolutely, and in the
22 congressional map, I don't -- since I can't
23 recall specifically if I got that feedback
24 directly at the hearings, I mean, I couldn't
25 recall a specific instance.

1 RAYMOND E. DiROSSI

2 A lot of the feedback that we were
3 getting about -- again, apologies, we're
4 dealing with the legislative process for the
5 congressional map as opposed to the
6 apportionment process with the apportionment
7 board. A lot of the feedback that we were
8 getting on the congressional map revolved
9 around requests by Democrats in the Ohio House
10 and the Ohio Senate that they wanted to see
11 changes in order for the map to be approved by
12 them, that they would support the map. So
13 that's how we were primarily getting feedback
14 from proposed changes, it was through the
15 elected officials of the citizens.

16 Q. Okay. I just want to stick on the
17 hearings, though, because there's a
18 congressional hearing timeline and then the
19 next page is an apportionment board timeline.

20 A. Yes.

21 Q. So for the congressional only
22 hearings, did any of that feedback make it into
23 your map?

24 A. I can't say because I don't recall
25 if I attended and heard directly what that --

1 RAYMOND E. DiROSSI

2 what that testimony was.

3 Q. Okay. But to your knowledge did
4 you, whether you were there or someone else
5 told you, make changes based on public opinion
6 to the map at these hearings?

7 A. Well, right, public feedback we
8 were getting through a number of ways. I don't
9 believe any of the legislative Democrats chose
10 to testify at these hearings to make their
11 requests known. Those were happening through
12 legislative lines of communication through the
13 minority leaders, the leaders of the chambers
14 and other avenues. It wasn't happening through
15 these hearings.

16 Q. Okay. You've said you were the
17 author of this document. At the bottom of the
18 document it says, and this is the third to last
19 line, hold it in the can until the legislature
20 comes -- comes back in September 13th, 14th.

21 What does hold it in the can mean?

22 A. Yeah, so it was my -- my words
23 basically saying, as we talked about the
24 process and the logistical problems involved in
25 getting the legislature to produce a map, at

1 RAYMOND E. DiROSSI

2 the time that I put this document together the
3 legislature didn't have session dates scheduled
4 in order that they would be here to vote to
5 approve a map.

6 So as we were working
7 simultaneously on the apportionment map, as
8 well as the congressional redistricting, we
9 might have to come up with a proposal that the
10 legislature could consider, but wait until they
11 came back so we could have sessions and
12 hearings, and that's what I meant by hold it in
13 the can.

14 Q. Okay. And the it referred to here
15 a draft map?

16 A. Yes, the it here is the proposal
17 of what the congressional redistricting could
18 be.

19 MS. THOMAS-LUNDBORG: So I believe we
20 need to take a break so the DVD can be changed,
21 and we'll take a ten-minute break and come back?

22 MR. STRACH: Yeah, five or ten is
23 fine.

24 THE VIDEOGRAPHER: We're off the
25 record.

1 RAYMOND E. DiROSSI

2 (Recess taken.)

3 THE VIDEOGRAPHER: We're on the
4 record.

5 MS. THOMAS-LUNDBORG: Okay. Thank
6 you.

7 BY MS. THOMAS-LUNDBORG:

8 Q. Good afternoon.

9 A. Hello again.

10 Q. Hello again.

11 I would like to ask you a couple
12 of follow-up questions regarding what we talked
13 about earlier.

14 A. Sure.

15 Q. You said in our last session that
16 Montgomery County was kept whole in 369 as a
17 concession to the Democrats?

18 A. Yes.

19 Q. Were there any other concessions
20 that were made?

21 A. Yeah, a number. As we discussed,
22 in Montgomery County we were dealing with the
23 loss of two congressional districts. This will
24 take a little explaining. Apologies. We were
25 dealing with the loss of two congressional

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2 districts, and the decision was that we were
3 going to pair two Republicans together and two
4 Democrats together.

5 The two Republicans that
6 ultimately were selected to be paired together
7 were Turner and Austria, which had Montgomery
8 County as its base. The two Democrats that
9 were chosen to be paired together were
10 Congresswoman Kaptur and Dennis Kucinich, which
11 had a district that had a base in Toledo and in
12 the west side of Cleveland.

13 And in 319 the 9th congressional
14 district, which is the one up in the north
15 along the lake, was designed so that there was
16 roughly 50 percent of the territory of
17 Congresswoman Kaptur's district in the new 9th
18 and 50 percent of the home territory of Dennis
19 Kucinich's old congressional district in the
20 9th, and there was some in the middle that
21 neither of them had represented which was kind
22 of viewed as neutral territory. So that was
23 two big components of 319.

24 The Democrats, between the passage
25 of 319 and the ultimate passage of 369,

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2 requested a number of changes that were coming
3 from Congresswoman Kaptur through a number of
4 channels to us. They wanted to tilt the favor
5 so that more and more of the territory of
6 Kaptur's old district would be in the new
7 district, and that involved making the
8 connectors between Cleveland and Toledo
9 skinnier and moving more portions of Toledo
10 into the district at Kaptur's request, and less
11 of the population of Dennis Kucinich's area in
12 the district. This was an effort so that --
13 they wanted to tip the scales so that the
14 geography of the district at least favored
15 Kaptur, and that was another major concession
16 in 369.

17 In fact, that one I remember very
18 vividly. That brought forward four votes, one
19 in the Senate, Senator Brown then voted for 369
20 where she previously opposed the 319, and
21 Representative Fedor, Representative Szollisi,
22 who was the number two -- was the minority
23 leader of the House of Representatives, and
24 another Democrat, I believe Representative
25 Ashford. All four people who had voted against

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2 319 then were able to cast their vote for 369.

3 So that was another major concession that was
4 happening through the legislative process that
5 brought Democratic votes to 369, the final map.

6 There were others throughout the
7 district, specifically in Franklin County, if
8 you want to go through those as well.

9 Q. I would like to hear what they all
10 were. You can go ahead.

11 A. So in Franklin County in 319 there
12 was the proposed creation of a new district,
13 the hope of which was would elect for the first
14 time a second minority member to Congress,
15 whereas the state has historically had no
16 minority representatives or, at the most, one.

17 And in 319 to 369 there were
18 requests that were coming to us through a
19 number of channels from Joyce Beatty. She
20 specifically wanted geography that was in 319
21 out of 369 because one of her potential primary
22 opponents resided in that district, a Franklin
23 County Commissioner, Mary Jo Kilroy. There
24 were also some other geography changes that she
25 had asked for.

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2 She also wanted to make sure that
3 we redrew the district so that the percentage
4 of non-Hispanic African American -- voting age
5 African American population was higher than it
6 was in 319, and she also wanted to make sure --
7 and again, I'm going to use the word index, but
8 this is her interpretation of what an index
9 was, not mine. She wanted to make sure that
10 the index was better for a Democrat, was more
11 favorable for her.

12 Q. And what was her position at the
13 time since she wasn't yet in --

14 A. She had a position at Ohio State.
15 I do not recall the title of it. She was
16 working for Ohio State, I believe, at the time,
17 and I knew who she was.

18 Q. And who were those conversations
19 with? Were you having conversations directly
20 with Joyce Beatty or with intermediaries?

21 A. Well, they came through a number
22 of sources. Again, as we talked about, we're
23 dealing with a legislative process, so my -- I
24 really had two primary ways that I was
25 receiving feedback. One was through President

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2 Niehaus as the leader of the chamber, but I was
3 also working with Bob Bennett, who was the
4 former chairman of the Republican party, who
5 wasn't at the time, but had a number of
6 longstanding relationships with people,
7 Democratic members of the party infrastructure
8 or Democratic elected officials.

9 And I was working extensively with
10 him between 319 and 369 being adopted and we
11 were -- he was giving me this feedback that he
12 was getting directly from those congressmen,
13 congresswomen or people around them in their
14 campaign operations.

15 Q. Did you have conversations
16 directly with anyone who could be termed a
17 Democrat at this time?

18 A. In the congressional
19 redistricting, you're asking?

20 Q. Yes, about 319 or 369.

21 A. Yeah, I was -- I was getting that
22 information from other people, so I was -- I
23 wasn't the one having those conversations. But
24 that was the feedback that I was getting and so
25 that's why I was making those proposals and

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2 those changes and those recommendations for the
3 map, which we ultimately did, and then we
4 ultimately got -- I think at the end of the day
5 we got -- I shouldn't say we got. There were,
6 I think, 20 members of the Ohio House minority
7 caucus that voted for the final map, which was
8 -- of the members that were present from the
9 Democratic caucus was more than half of them.

10 And in 319 I think there were four
11 Democrats that voted for the map in the House
12 and Senate combined. I think that number
13 swelled to almost 25 votes after we made all of
14 these changes, so --

15 Q. And were you getting any of this
16 feedback when you were working on 319 or was
17 this feedback just about 369?

18 A. Yeah, most of the feedback -- or
19 everything that I just described was very
20 inherent in 369. That was -- obviously the
21 legislative Democrats approached the leadership
22 and said this is what it's going to take for us
23 to provide votes to approve this map, and so
24 that was all post 319 and 369.

25 Q. Okay.

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2 A. There were -- in 319, as I
3 mentioned, in the 9th congressional district,
4 there were a lot of conversations that were
5 happening. Congresswoman Fudge, as the map
6 rolled out, was -- it had been relayed to me by
7 a number of people that she did not want to be
8 paired with Dennis Kucinich in a district. She
9 did not want to run against him in a primary by
10 drawing a district completely inside Cuyahoga
11 County.

12 And so during 319's rollout and
13 passage, there were conversations that were
14 happening directly with her or with other
15 people around her about what her preferences
16 were for the 11th congressional district. And
17 as I mentioned before, that's a very important
18 district for the state because it's the only
19 district we have in the entire state that has
20 in recent memory elected a minority member to
21 Congress.

22 Q. Now, you just said there were
23 conversations directly with Congresswoman
24 Fudge. Did you have those conversations with
25 Congresswoman Fudge?

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2 A. I did not.

3 Q. Do you know who had those
4 conversations?

5 A. I was working with Bob Bennett and
6 I know that other members, I believe Speaker
7 Batchelder -- or I know Speaker Batchelder was
8 talking to a number of folks and contacts that
9 he had in Northern Ohio about what
10 Congresswoman Fudge wanted.

11 And I do specifically remember
12 preparing two draft maps that we were sending
13 to her through intermediaries that said we can
14 draw the 11th district all in Cuyahoga County,
15 but it will no longer be a majority/minority
16 district, or we can bring the district down
17 into Summit County and retain it as a
18 majority/minority district. And if we kept it
19 in Cuyahoga County she would be paired with
20 Dennis Kucinich, and the feedback that came
21 back down was she would prefer that the
22 district go down into Summit County, which was
23 done in 319 as it was introduced and retained
24 in 369.

25 Q. Okay. You've mentioned Bob

1 RAYMOND E. DiROSSI

2 Bennett a couple of times.)

3 A. Yes.

4 Q. What was his role in redistricting
5 other than being an intermediary?

6 A. Well, he was not -- he was a
7 former chairman of the Republican party and so
8 he just had been involved in -- I have been now
9 involved in two decennial redistricting and
10 apportionments. Mr. Bennett, as we said now
11 deceased, probably had been involved in four or
12 five. He had great contacts throughout the
13 state, both Republican and Democrat, some great
14 relationships that he had, and he had the
15 ability to reach across party lines and get
16 feedback from both sides of the political
17 spectrum about what people wanted to see in the
18 legislative bill.

19 Q. Did he ever visit the hotel room
20 that the map was drawn in?

21 A. To my knowledge, no.

22 Q. Other than talking to people, did
23 he do anything else related to the map other
24 than talking to all these people that you've
25 mentioned?

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2 A. Can you say that again? I'm
3 sorry, other than --

4 Q. So you've mentioned that he served
5 as an intermediary.

6 A. Oh, that he did or that I did?
7 I'm sorry.

8 Q. That he did. He was an
9 intermediary to Democrats and Republicans all
10 over the state.

11 A. And you're asking if he --

12 Q. Did anything else related to
13 redistricting.

14 A. I mean, I worked directly with him
15 on all the things I just articulated. What
16 else he was doing, I couldn't say.

17 Q. Okay. I would like to just turn
18 back to Exhibit 19 for a second. It should
19 still be in front of you. You were on the
20 right page.

21 A. I'm sorry.

22 Q. That's fine.

23 A. I had it. There we go.

24 Q. And there was a question I hadn't
25 had a chance to ask you yet. So there is a

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2 reference here to August 19th. Do you see
3 that?

4 A. Yes.

5 Q. And it says target date to get the
6 bill equivalency file to the LSC. What is the
7 LSC?

8 A. Okay. So that is the Legislative
9 Service Commission. It is the entity that
10 produces bills, proposed laws for the General
11 Assembly. It's a nonpartisan entity. And as
12 we had previously discussed, since the
13 legislative congressional redistricting is a
14 bill that goes through the legislature, we had
15 to get to LSC what we wanted the congressional
16 redistricting bill to look like and that's what
17 that is a reference to.

18 Q. Okay. And what is a bill
19 equivalency file?

20 A. So now you're getting down in the
21 technical stuff, but it's basically --

22 Q. Yes.

23 A. It's basically the equivalency
24 files that says what census blocks of counties
25 and the geography of the state would be

1 RAYMOND E. DiROSSI

2 assigned to which districts so that you could
3 put that into a legal form.

4 Q. And you used census blocks to draw
5 the district lines?

6 A. Well, we used a lot of units of
7 geography, but I think that the common
8 denominator was census blocks. The lowest
9 common denominator was census blocks.

10 Q. In addition to census blocks, what
11 did you use?

12 A. Yeah, so you had census blocks,
13 census tracts, you had political subdivisions,
14 whether it be a precinct of a city, a precinct
15 of a township, whole townships, municipalities,
16 wards, counties. All the units of geography
17 that the Census Bureau tracks population data
18 for.

19 Q. And was there any particular
20 reason why you were using census blocks, which
21 you said was the common denominator?

22 A. Yeah, the -- to the best of my
23 knowledge, the court, the U.S. Supreme Court
24 still said that you had to draw congressional
25 districts down to zero population deviation.

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2 And obviously if you're trying to use a larger
3 unit of geography, the chances that you could
4 ever come up with 16 congressional districts
5 that all had literally identical population or
6 plus or minus one, depending on how many people
7 there were, without going down to that lowest
8 unit of geography you would never be able to
9 achieve the required constitutional population
10 deviations.

11 Q. Was there any other reason that
12 you were using census blocks?

13 A. No, that's the -- no.

14 Q. Okay. Did you get any benefit
15 other than the one person, one vote that you
16 mentioned from using census blocks?

17 A. No, we got a lot of headaches
18 because we got in -- there was a lot of -- when
19 you get down to a unit that small, you run into
20 a ton of inherent software issues with what is
21 called split -- split blocks. And that is
22 where you have a geography unit that maybe
23 crosses the boundary of a census block, and if
24 there are two people in that block you have to
25 figure out, okay, are these two people both in

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2 this part of the split block or in this part of
3 the split block. So actually going down to
4 that level caused a lot of headaches.

5 Q. Okay. And generally how were you
6 able to resolve those headaches?

7 A. We relied on our Cleveland State
8 and OU database and also the -- this probably
9 would have been one instance or this was one
10 instance where we would have used John Morgan's
11 technical expertise on software and -- I'm
12 sorry, I misspoke, I said the wrong name. It
13 was Clark Benson who we used on these, not John
14 Morgan.

15 Q. Did anyone else other than Clark
16 Benson help you resolve these issues?

17 A. That's the name that I remember.

18 Q. Okay. So we've spent some time
19 talking about Congresswoman Fudge's district
20 and we've talked about majority/minority
21 districts. Were you concerned about
22 majority/minority districts because of the
23 Voting Rights Act?

24 A. Yes.

25 Q. And what is your understanding of

1 RAYMOND E. DiROSSI

2 what the Voting Rights Act requires?

3 MR. STRACH: Objection.

4 THE WITNESS: Yeah, I'm obviously not
5 an attorney, but in 2001 the district was drawn so
6 that it was more than 50 percent voting age
7 non-Hispanic African American population. And
8 once we started to get up and running and look at
9 some congressional redistricting ideas, one of the
10 first things that I was looking at was, with the
11 significant population loss that Cleveland was
12 experiencing, when you reconfigured the 11th
13 district was it possible to still draw a district
14 that would be more than 50 percent non-Hispanic
15 voting age African American population.

16 And I mentioned before the way that I
17 had seen the data and was working with it, if the
18 district had stayed in Cuyahoga County that would
19 not have been obtainable. The district would have
20 fallen to somewhere around 48 percent. So that
21 was my understanding of the factors that we were
22 dealing with with regards to the 11th.

23 BY MS. THOMAS-LUNDBORG:

24 Q. Okay. You said you're not an
25 expert on VRA. Did you receive any -- and by

1 RAYMOND E. DiROSSI

2 VRA, I mean Voting Rights Act. Did you receive
3 any training on what the VRA requires at any
4 point?

5 MR. STRACH: And I'm going to object.
6 If you had any training by non-lawyers, you can
7 testify about that, but --

8 MS. THOMAS-LUNDBORG: I think he can
9 testify to training by a lawyer, too. He doesn't
10 have to say what it was, but he can say, yes, I
11 met with lawyers and they told me what it
12 requires.

13 MR. STRACH: No, no, he's not going
14 to testify about that. I'm going to instruct him
15 not to say anything about any training, meetings
16 or otherwise, about the VRA with lawyers. If
17 there was any training, meetings or otherwise
18 about the VRA with non-lawyers, I'll allow him to
19 answer that.

20 MS. THOMAS-LUNDBORG: I mean, the
21 question is not to the substance of what he was
22 told, lawyers said he had to do. The question is
23 did a lawyer tell you there are VRA requirements
24 and that is not a privileged question.

25 MR. STRACH: That is a substantive

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2 question about what he was being told by lawyers,
3 so no, we're not going to answer that.

4 MS. THOMAS-LUNDBORG: I'm not asking
5 what he was told by lawyers. I'm asking did he
6 have conversations with his lawyers.

7 MR. STRACH: You can ask if he had a
8 conversation with a lawyer, period, but not did he
9 have a conversation with a lawyer about the VRA.
10 We will not answer that question.

11 MS. THOMAS-LUNDBORG: All right.

12 BY MS. THOMAS-LUNDBORG:

13 Q. You can go ahead.

14 A. Can you ask the question again?

15 I'm sorry.

16 Q. So there's two questions. One is
17 did you have any non-lawyer trainings about
18 VRA?

19 A. Did I have any non-lawyer
20 training? Again, depending on what training
21 means, other than attending those NCSL things
22 we talked about where there might have been
23 presentations about the Voting Rights Act, I
24 did not have any training with non-lawyers.

25 Q. Okay. And then did you have any

1 RAYMOND E. DiROSSI

2 conversations with lawyers at this time?

3 A. Specifically about --

4 MS. THOMAS-LUNDBORG: Your attorney
5 has instructed you not to answer about the
6 specifics of did you have conversations with
7 lawyers.

8 MR. STRACH: Did you have
9 conversations with lawyers, as she said, at this
10 time, period.

11 THE WITNESS: And, I'm sorry --
12 BY MS. THOMAS-LUNDBORG:

13 Q. At this time, we're talking about
14 the 2011 redistricting period. We can break
15 the question up into 319 and 369.

16 THE WITNESS: And I'm supposed to
17 answer?

18 MR. STRACH: So the question is did
19 you have conversations with lawyers at the time of
20 the redistricting.

21 THE WITNESS: Yes.
22 BY MS. THOMAS-LUNDBORG:

23 Q. Okay. Prior to the 2011
24 redistricting period did you have any
25 experience drawing VRA compliant districts?

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2 A. In the 2001 apportionment, both in
3 apportionment and redistricting, we were
4 drawing a number of districts that were covered
5 by the Voting Rights Act.

6 Q. Okay. Are you at all familiar
7 with the requirements of what the -- of what a
8 VRA compliant district -- sorry, let me strike
9 that.

10 Are you familiar with determining
11 the requirements of whether or not a VRA
12 district should be drawn?

13 MR. STRACH: Objection.

14 MS. THOMAS-LUNDBORG: I'm asking
15 about his own personal knowledge.

16 MR. STRACH: Well, he's not a lawyer,
17 so it's not -- it's not that simple.

18 MS. THOMAS-LUNDBORG: Well, he did
19 work on drawing the districts. He may or may not
20 have personal knowledge to this, which he is free
21 to answer that he does or does not.

22 MR. STRACH: But he doesn't have
23 lawyer personal knowledge.

24 MS. THOMAS-LUNDBORG: I'm asking
25 about his personal knowledge as the person drawing

1 RAYMOND E. DiROSSI

2 the district, how did he determine, and if he says
3 I have no personal knowledge then that is his
4 answer.

5 MR. STRACH: All right. If you have
6 strictly personal knowledge you can answer that
7 question, but if it requires you to act like a
8 lawyer then you're not to act like a lawyer.

9 THE WITNESS: If we were drawing --
10 and again, I'm in apportionment mostly because in
11 the congressional there's only one district, but
12 in the apportionment there are dozens. If we were
13 working in an area where there were Voting Rights
14 Act impacted districts, I would have sought legal
15 advice as to how to proceed.

16 BY MS. THOMAS-LUNDBORG:

17 Q. Okay. Are you at all familiar
18 with the term racially polarized voting?

19 MR. STRACH: Objection.

20 MS. THOMAS-LUNDBORG: I'm asking if
21 he's familiar with it.

22 THE WITNESS: I've heard the term,
23 but I am -- I'm not conversant in it in any way.

24 BY MS. THOMAS-LUNDBORG:

25 Q. Are you at all familiar --

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2 actually, let's just go to a document.

3 (Thereupon, Plaintiffs' Exhibit
4 Number 20, File Produced in Native Format Bates
5 Stamped DIROSSI_0000526, was marked for purposes
6 of identification.)

7 BY MS. THOMAS-LUNDBORG:

8 Q. This I'm having marked as Exhibit
9 20. This was produced in native format, which
10 was an Excel file, so you'll see the first page
11 is the produced in native cover sheet. It's
12 DIROSSI_526. Do you see that?

13 A. Yes.

14 Q. And then the second page is a
15 Excel spreadsheet. Do you see that?

16 A. Yes.

17 Q. Okay. Based on your recollection,
18 are you the author of this document?

19 A. Yes.

20 Q. The first set of -- and this is an
21 Excel spreadsheet, so in the left most column
22 there is text that says comply with the Voting
23 Rights Act CD 11. Do you see that?

24 A. I do.

25 Q. And then underneath the first kind

1 RAYMOND E. DiROSSI

2 of populated percentage column it says 22.63
3 percent unified index is 50/50. Do you see
4 that?

5 A. I do.

6 Q. And what does the 26.63 represent
7 here?

8 MR. STRACH: 22.63.

9 MS. THOMAS-LUNDBORG: Yes, 22.63.

10 THE WITNESS: It would have been the
11 -- based on the unified index that we spoke about
12 earlier, the numerical representation of all of
13 the historical election results for those five
14 races that we talked about earlier.

15 BY MS. THOMAS-LUNDBORG:

16 Q. And is this the percentage of
17 Republican or what is the 22 percent?

18 MR. STRACH: Objection. Asked and
19 answered.

20 Answer it again.

21 MS. THOMAS-LUNDBORG: He didn't
22 answer whether it was Republican or Democrat. I
23 still don't know what 22.63 is.

24 MR. STRACH: He just said what 22.63
25 percent was and he'll say it again if you want him

1 RAYMOND E. DiROSSI

2 to.

3 BY MS. THOMAS-LUNDBORG:

4 Q. Can you tell me, is this 22.63
5 Republican or Democrat winning the percentage
6 of the election?

7 A. It would be Republican.

8 Q. Thank you.

9 And then I'm going to skip down,
10 it says draw new minority opportunity district,
11 Franklin County. Do you see that?

12 A. I do.

13 Q. And it's CD 03. What is -- and
14 then the next line is 37.83 percent. Do you
15 see that?

16 A. I do.

17 Q. And is that the Republican
18 percentage in CD 03?

19 A. Using -- using that scoring of the
20 unified index, yes.

21 Q. Then the last column, and it's not
22 populated, is Slagle/OCAR, state is 52-48 in
23 favor of R's. Do you see that?

24 A. Yes.

25 Q. What is the purpose of this column

1 RAYMOND E. DiROSSI

2 here?

3 A. Yeah, so this document, I created
4 this in response to a media inquiry. And
5 again, it goes back to -- it goes back to
6 everybody had their own way of looking at
7 indexes or historical election results. I
8 obviously was trying to use the unified index.
9 A number of people were looking at presidential
10 index. Mr. Slagle at OCAR had his own scoring
11 methodology. And the question was being asked
12 of once you draw these two districts, what does
13 the rest of the state look like historically.

14 Q. And you said a number of people
15 were using the presidential index. Do you
16 recall who those people were?

17 A. Yeah, mostly people who cared
18 about national elections or congressional
19 elections, so Republican and Democratic
20 congressmen and Republican and Democratic
21 congresswomen, the NRCC, the DS -- or the DRCC
22 or whatever their name is. The people who run
23 national congressional and national elections
24 tend to look at presidential results and their
25 own scoring system and really kind of looked

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2 with this favor upon what I was using as the
3 unified index.

4 Q. Okay. And why were you looking at
5 these two districts in particular?

6 A. It was a media request so I was
7 just trying to be responsive. As I mentioned,
8 at any moment in time what somebody cares
9 about, whether it's geography, how many
10 incumbents are paired together, an election
11 data number, how big a district was, you know,
12 Heather and I were the ones that people were
13 coming to to ask those questions, and so this
14 is just one document I created. It doesn't
15 even look like I finished it. So it was just

16 --

17 Q. Okay. And do you recall which
18 media entity you got the request from?

19 A. I don't. I don't.

20 Q. Do you recall any other specifics
21 about the request?

22 A. I don't. Nope, I don't, sorry.

23 Q. Actually, don't flip it yet.
24 During your various trainings, aside from
25 trainings that you had with a lawyer, did any

1 RAYMOND E. DiROSSI

2 of your trainings talk about one person, one
3 vote, also known as equal population?

4 A. I don't know what -- I mean,
5 trainings, I was trained on software --

6 Q. Conferences.

7 A. -- two decades ago. Yeah, but I
8 wouldn't call those trainings. I mean, they're
9 just like listening to people pontificate about
10 what they know, and most of it isn't even
11 relevant to Ohio.

12 So can you restate the question,
13 please?

14 Q. So conferences or trainings, did
15 any of them deal with equal population, also
16 known as one person, one vote?

17 A. Nothing specifically that I can
18 recall.

19 Q. Okay. Did you take one person,
20 one vote into consideration when you were
21 drawing your map?

22 A. All of the districts that were
23 drawn for the congressional redistricting were
24 balanced to the person. I believe of the 16
25 districts, eight of them were plus one person

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2 above the ratio of representation and the
3 others were right on the number. So, I mean, I
4 took that into account that the districts had
5 to be drawn with absolute population, zero
6 deviation.

7 Q. Did equal population affect the
8 substance of any lines that were drawn?

9 A. Help me understand what you mean
10 by substance.

11 Q. Did you move a line from one
12 location to another location because of equal
13 population?

14 A. Absolutely.

15 Q. Okay. And do you recall as you
16 sit here which lines were moved based on equal
17 population?

18 A. I chuckle because it's -- if
19 you've ever drawn a map like that, you may have
20 a district in the northeast corner of the state
21 of Ohio that is unfortunately three people too
22 many and you have to balance it out, and
23 because of the way the map is all
24 interconnected you may end up having to move
25 people in Southwest Ohio, two or three people

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2 to achieve that.

3 And so every district I would have
4 made -- Heather and/or I would have made some
5 change very small to the lines in order to
6 achieve zero population deviation. Every
7 single district we would have had to do that
8 in.

9 Q. Beyond these small changes of two
10 or three people, do you recall any large
11 changes that were made based on equal
12 population?

13 A. I mean, I recall like the 11th
14 congressional district, it was after losing two
15 seats and I think the districts had to grow by
16 almost 72,000 people, more or less, and I
17 remember that district having lost significant
18 population, tens of thousands, maybe even
19 approaching a hundred thousand, that
20 significant population changes had to be made
21 to bring that district in particular up to its
22 target population.

23 I don't think I -- I don't think
24 any other district was quite that extreme in
25 how many people it needed to be adjusted.

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2 Q. Okay. So in addition to equal
3 population and voting rights compliance, did
4 you consider any other factors when you were
5 drawing the map?

6 A. Well, as I mentioned before, there
7 were some high-level points that Speaker
8 Batchelder and President Niehaus wanted to
9 achieve in this legislative map, and that was
10 the elimination of two districts, the pairing
11 of two Republican congressmen or women, the
12 pairing of two Democratic congressmen or women,
13 proposing an 11th congressional district that
14 was to the satisfaction of Congresswoman Fudge,
15 the creation of a new district in Franklin
16 County that would give a minority candidate the
17 ability to be elected. I mean, those were the
18 big -- the big overarching goals. Then making
19 sure the map was balanced and achieve zero
20 population deviation. Those were the main --
21 main components.

22 Q. Okay. Did you consider
23 communities of interest when you were drawing
24 the map?

25 A. So that is a term -- obviously I

1 RAYMOND E. DiROSSI

2 have heard that term for decades and I think it
3 means a lot of different things to a lot of
4 different people. So you'll have to help me --
5 tell me what you are suggesting it means so
6 that I can try to answer your question.

7 Q. Well, I guess my question back to
8 you is what would you suggest that it means?
9 What is your understanding of what a community
10 of interest is?

11 A. Well, it could be -- it could be a
12 lot of things and in certain parts of the state
13 we have a very diverse population. We have an
14 extreme -- we have a large number of rural
15 areas of the state. We have major water, Lake
16 Erie and we also have the Ohio River. We have
17 Southwest Ohio that has a lot of communities of
18 interest. We have minority communities of
19 interest in certain areas, mostly urban areas.
20 We have at least eight major urban areas. I
21 mean, so community of interest in any part of
22 the state could mean a very different thing.

23 Q. Understood. Did any of those
24 definitions make it into your considerations
25 when you were drawing the map?

1 RAYMOND E. DiROSSI

2 A. I was certainly aware of the ones
3 that I was aware of as we were drawing the map.

4 Q. And what effect did that have on
5 any of your map drawing?

6 A. Well, whenever we -- depending on
7 if there were other goals that conflicted with
8 it, we would try to preserve those communities
9 as best possible to achieve the other stated
10 goals that I mentioned.

11 Q. What about compactness, are you
12 familiar with the term compactness?

13 A. I'm familiar with the term, I am
14 unfamiliar with anybody's definition of what it
15 -- what it means.

16 Q. What is your understanding of what
17 compactness is?

18 A. That you have a district that is
19 relatively compact. I'm sorry to use the word
20 in the definition of the word, but that would
21 be my understanding.

22 Q. Did your understanding of
23 compactness affect your map drawing?

24 A. Again, Ohio is very diverse. Look
25 at the 3rd congressional district that was

1 RAYMOND E. DiROSSI

2 created in Franklin County. The footprint of
3 that was 720 some odd thousand people, it's
4 very compact, it is, you know, all within
5 Franklin County; in Southeast Ohio where we
6 have a tremendous number of mostly rural areas
7 where we have entire counties that have a total
8 of 12 or 13,000 people; we have another
9 district that is the same exact population
10 size, but it covers 14, 15 or 16 counties, and
11 it is a very significant geographical area.

12 So, I mean, I would say they're
13 both compact because that's where people in
14 Ohio have chosen to live, but I didn't use any
15 measure.

16 Q. Okay. So when you were drawing
17 the map, though, were you thinking about
18 compactness in drawing the lines?

19 A. I was aware of the concept, yes.

20 Q. Was it operationalized into your
21 map drawing?

22 MR. STRACH: Objection.

23 THE WITNESS: Yeah, I need to
24 understand what you mean by --

25 BY MS. THOMAS-LUNDBORG:

1 RAYMOND E. DiROSSI

2 Q. Did you have any system by which
3 you were making sure districts were compact?

4 MR. STRACH: Objection.

5 THE WITNESS: No, other than visual.

6 BY MS. THOMAS-LUNDBORG:

7 Q. What about county splits, do you
8 know what -- how would you define county
9 splits? I think it's fairly self-evident, but
10 I just want to understand your understanding.

11 A. Yeah, it gets a little tricky in
12 the apportionment, but in the congressional
13 redistricting if you have a district that
14 crosses a county boundary and is not
15 encompassing an entire county, I could
16 understand why somebody would say a county is
17 split.

18 Q. Okay. And did county splits --
19 what role, if any, did county splits play in
20 your map drawing?

21 A. Well, we're certainly aware of
22 where we were doing it. We had a few unique
23 instances around the state where, due to the
24 geography of the State of Ohio, we have some
25 cities -- I'll use my home city as an example.

1 RAYMOND E. DiROSSI

2 I live in Dublin, Ohio, as I said earlier. The
3 city of Dublin is actually a municipal
4 corporation, but it is in three specific
5 counties; it is in Union County, Franklin
6 County and Delaware County. It's right where
7 the three of them come together.

8 And this presents sometimes a
9 challenge. You could try to keep the community
10 of interest that is Dublin together, but you
11 would be splitting three counties, or you could
12 try to keep the three counties in three
13 separate districts, but then you're splitting
14 Dublin three different ways.

15 So I was always drawing -- that
16 happens in Northern Ohio, too, with the city
17 of, I believe, Fremont is in three, if not
18 four, counties. I always kept that in mind
19 when we were -- when I was drawing districts --

20 Q. Okay.

21 A. -- or proposing -- drawing
22 proposals.

23 Q. And did you do anything in your
24 map drawing to limit the number of county
25 splits?

1 RAYMOND E. DiROSSI

2 A. Generally it was something we were
3 trying to do, but as I mentioned before,
4 eliminating two districts, the method by which
5 we were absorbing two districts, trying to, you
6 know, protect the 11th congressional district
7 and create a new one in the third, and pairing
8 incumbents together, those were more important
9 to our goals than if we split a couple extra
10 counties.

11 Obviously, as I said before, the
12 Democrats in some of the areas made requests to
13 unify a couple counties, in Montgomery County
14 specifically. But to do that I think we had to
15 unify Montgomery County to satisfy the request,
16 but then we split another county because you
17 had to have zero population deviation. So
18 sometimes it was a mixed bag.

19 Q. Okay. What about municipal
20 splits? What do you understand that term to
21 mean?

22 A. Very similar to counties where you
23 have a district that does not include all of
24 the territory of a municipal corporation.

25 Q. And did municipal splits play any

1 RAYMOND E. DiROSSI

2 role in your map drawing?

3 A. Well, again, all districts had to
4 be balanced to either plus or minus one person
5 or zero population deviation, so you were going
6 to have to split counties, you were going to
7 have to split cities, you were going to have to
8 split townships and other units of geography to
9 make those districts balance out. So that was
10 done.

11 Q. Okay. Are you familiar with the
12 term incumbency?

13 A. Yes.

14 Q. Are you familiar with the term
15 incumbency protection?

16 A. I've heard the term, but it could
17 be --

18 Q. What is your --

19 A. -- could mean different things.

20 Q. Oh, okay, sorry.

21 A. That's okay.

22 Q. I don't mean to speak over you.

23 What does incumbency mean to you?

24 A. So at any point in time who is the
25 incumbent of any particular district is what

1 RAYMOND E. DiROSSI

2 incumbency means to me.

3 Q. Okay. And an incumbent is?

4 A. The residing -- the residing
5 office holder of a district.

6 Q. Okay. And did incumbency play any
7 role in your map drawing?

8 A. As I mentioned, we were losing two
9 congressional districts, so the decision was
10 that we would pair two incumbent Democrats
11 together and two incumbent Republicans together
12 forcing them to have a primary and let the
13 voters decide.

14 Q. Outside of this consideration to
15 pair incumbents, did you look at incumbency in
16 any other way?

17 A. Yes, we generally try to avoid
18 pairing districts. I mentioned to you before
19 that it had been sent -- or the information had
20 gotten to me that Congresswoman Fudge did not
21 want to be paired with Dennis Kucinich, then
22 Congressman Dennis Kucinich, and so the
23 district that we drew intentionally did not do
24 that, so yes.

25 I also mentioned Joyce Beatty

1 RAYMOND E. DiROSSI

2 where she specifically wanted to have somebody
3 who she thought might run against her drawn out
4 of the district, and so we also did that in
5 order to get votes.

6 Q. But was she an incumbent?

7 A. She was not an incumbent at the
8 time.

9 Q. Were there any other incumbents
10 that you considered during this time?

11 A. Well, I was aware of where every
12 incumbent, every Republican, every Democratic
13 lived, so we intentionally -- or didn't
14 unintentionally pair them together.

15 Q. And how did you do that?

16 A. I think either through -- well,
17 let me -- I shouldn't say I think. We were
18 able to obtain the home addresses of all 18
19 congressmen and women in the state, which we
20 used.

21 Q. And how did you use them?

22 A. We used them with our software to
23 do what is called geocoding so that you could
24 put in their address into the software and it
25 would put a marker on the map so you could mark

1 RAYMOND E. DiROSSI

2 where specifically a member of Congress
3 resided.

4 Q. Did partisan makeup of the
5 districts play any role in your map drawing?

6 A. So the historical election
7 information that we had talked about before was
8 one of the things that was in the software just
9 as the population variations, the Hispanic
10 percentages of the district, the African
11 American percentages of the district. We also
12 had incorporated into that the historical
13 election data. So it was one of the things we
14 had.

15 Q. Okay. You had it. Did you use
16 it?

17 A. Yes, it was one of the things that
18 we would have looked at as we were proposing
19 districts, along with all of the other things I
20 just mentioned.

21 Q. Okay. So outside of VRA and equal
22 population, were any of the other factors you
23 considered legally required to your knowledge?

24 A. You said the VRA and what was the
25 other one?

1 RAYMOND E. DiROSSI

2 Q. Equal population.

3 A. Equal population. The districts
4 had to be contiguous. That would have been a
5 requirement.

6 Q. Did you have any hierarchy to
7 determine which factors were going to be more
8 important or less important as you were drawing
9 the map?

10 A. I did not.

11 Q. How did you determine which
12 factors were going to play a role in any
13 particular district?

14 A. Well, using those big pillars that
15 we talked about and then interacting with, for
16 me, President Niehaus, and making sure that he
17 could get the votes of the Republicans and
18 Democrats in the legislature, that was the
19 process.

20 (Thereupon, Plaintiffs' Exhibit
21 Number 21, Documents Bates Stamped
22 DIROSSI_0000470-472, was marked for purposes of
23 identification.)

24 BY MS. THOMAS-LUNDBORG:

25 Q. Let's go to what I'm having marked

1 RAYMOND E. DiROSSI

2 as Exhibit 21. This is a document I actually
3 put together, but it's consecutively Bates
4 stamped, so hopefully it's not an issue and
5 they all seem to be relatively the same. I'm
6 having this marked as Exhibit 21. It's
7 DIROSSI_470.

8 And this appears to be a series,
9 three to be exact, of competition maps. Is
10 that your understanding of what this exhibit
11 is?

12 A. Yes.

13 MR. STRACH: Do you know if these
14 came in color originally or if this is how they --

15 MS. THOMAS-LUNDBORG: This is how
16 they were produced to us. I copied everything as
17 produced.

18 MR. STRACH: Okay.

19 BY MS. THOMAS-LUNDBORG:

20 Q. So I'm not going to ask too many
21 questions about this. My first question is,
22 when did you -- when did you get these maps to
23 your best recollection?

24 A. I don't recall when I would have
25 first had these maps in my possession. I don't

1 RAYMOND E. DiROSSI

2 recall.

3 Q. Would it have been prior to the
4 introduction of 319?

5 A. It was.

6 Q. Okay. And did anything from the
7 competition maps make it into your map drawing?
8 And it doesn't have to be these maps in
9 particular. Just in general.

10 A. Yeah. Well, again, apologies for
11 the long -- the long answer, but there's --
12 there are some things in here that did end up
13 in the maps in concept, maybe not identical to
14 the person.

15 Q. Okay.

16 A. But these maps also have some very
17 significant structural problems that rendered
18 them, unfortunately, almost useless to me.

19 Q. Which concepts made it into the
20 319 map?

21 A. So on the third map that says Tim
22 Clark from Avon Lake, congressional - one of
23 the winning maps, you notice you have generally
24 this concept of a district in Northern Ohio,
25 the 11th congressional district that comes down

1 RAYMOND E. DiROSSI

2 into Summit County like we've been talking
3 about. So that is not identical, but that
4 general concept is something that Congresswoman
5 Fudge had indicated generally she was
6 interested in.

7 If you note, the other two maps
8 draw the district of the 11th completely in
9 Cuyahoga County, which was something that I was
10 being told she explicitly did not want. So
11 that was one of the main pillars that these
12 maps violated.

13 Same thing on the maps on the 3rd
14 district. One of them, I think the first map
15 in your series, has the general concept of a
16 district inside Franklin County. I'm thinking
17 it's -- it's somebody's attempt at getting to a
18 second minority district. The map that was
19 adopted is not identical to that, but it kind
20 of refines that concept after we were having
21 conversations with Joyce Beatty about how she
22 would want the district to look.

23 Do you want me to keep going
24 through it, or do you just want me to --

25 Q. I'll have questions, but if there

1 RAYMOND E. DiROSSI

2 are other things that you remember I would love
3 to hear it.

4 A. Maybe more will come to me, but
5 those are the two specific ones that jump out
6 at me.

7 Q. Okay. Regarding the 11th
8 congressional district, and you referenced Tim
9 Clark's map --

10 A. Yes.

11 Q. -- is it your recollection that
12 the idea came from this map or did the idea
13 come from somewhere else?

14 A. I don't know. I can't
15 specifically answer that. I don't specifically
16 know the timelines, as I mentioned, of when I
17 got these and the conversations that were
18 already underway about -- I can't answer that.

19 Q. Okay. About the first map, which
20 is the Mike Fortner map, you mentioned the 3rd
21 district. Is your recollection that the idea
22 came from this map or did the idea come from
23 somewhere else?

24 A. For the 1st district, you said?

25 Q. 3rd.

1 RAYMOND E. DiROSSI

2 A. 3rd.

3 Q. I think this is the map you said
4 that Franklin County --

5 A. I thought you said 1st.
6 Apologies. Yeah, same question, I don't -- I
7 can't recall the timelines of when I received
8 these and when we were coming up with our own
9 alternatives.

10 Q. Okay.

11 A. But it's worth noting that all
12 three of these maps are drawn by taking the
13 liberty of they're not to zero population
14 deviation. Every one of these maps based on
15 the data -- underlying data that was provided
16 to me by Mr. Slagle, who I think was in charge
17 of the contest, along with the League of Women
18 Voters and other entities, people were drawing
19 these maps that were plus or minus thousands of
20 people, and obviously that's a no-no with
21 respect to zero population deviation.

22 So that was something, just one
23 thing which jumps out at me, my specific
24 recollection of problems that all of these maps
25 had. They took a lot of liberties that I

1 RAYMOND E. DiROSSI

2 didn't have the luxury of taking.

3 Q. Okay. There are three maps here.
4 Did you receive more than three maps or did you
5 only receive three of the competition maps?

6 A. There were at least 50 maps that
7 were part of the competition, but I believe
8 these were the three winning maps that Slagle
9 -- these were the three winning maps that
10 Slagle provided me.

11 Q. Did you only -- so to clarify my
12 question, did you only receive three maps or
13 did you receive more than three?

14 A. I received three.

15 Q. And did you receive them directly
16 from Mr. Slagle or did you get them from some
17 other source?

18 A. I don't -- I don't recall.

19 Q. So going to the map drawing
20 process, I think you mentioned that you used
21 Maptitude, correct?

22 A. Correct.

23 Q. When did you start inputting data
24 into Maptitude?

25 A. I don't recall the dates. I was

1 RAYMOND E. DiROSSI

2 not doing that. That was being done for us and
3 so I do not recall the dates.

4 Q. Who was putting the data for you
5 into Maptitude?

6 A. Clark Benson.

7 Q. When did you start working in
8 Maptitude?

9 A. I don't recall a specific date
10 when we started.

11 Q. We looked at the invoice for the
12 bunker which started -- let me just go back to
13 it so we're not both working off of our
14 memories, it's Exhibit 16 -- which started on
15 July 17th. Would you have been working in
16 Maptitude on July 17th?

17 A. No way.

18 Q. Would you have been working on
19 Maptitude a few days after July 17th?

20 A. I don't recall when. It was a
21 very -- first of all, it was a long time ago,
22 it was very chaotic, and we had a ton of
23 problems getting the software and the data to
24 interact, and so I can't recall specific dates
25 of when we started.

1 RAYMOND E. DiROSSI

2 Q. Okay. Do you have a sense of how
3 long it took to have the data inputted? You
4 said there were a ton of problems.

5 A. It was a lengthy time and it was
6 an ongoing process. We would get -- we would
7 get data that we thought was working and then
8 we would be told, nope, those split blocks and
9 some of the other things were still
10 problematic, and we would have to wait and get
11 another round of data. And so that happened
12 over a significant period of time.

13 Q. Were you working in the data
14 before all these problems were resolved or did
15 you have to wait until after they were
16 resolved?

17 A. We were able to turn the computers
18 on, but then I think we had to start over. We
19 had to start over. The data wasn't correct and
20 wasn't working.

21 Q. But did you start the process of
22 working on maps prior to the data being fixed?

23 A. We tried.

24 Q. And do you recall when that was
25 happening?

1 RAYMOND E. DiROSSI

2 A. I don't.

3 Q. When you were working in the data,
4 when did you finally have a kind of map that
5 was ready to be shared; do you recall?

6 A. Again, I wasn't working in the
7 data. That is not my background or expertise
8 to understand how to make the data function.
9 I'm an end user of the software, not the data
10 person, so --

11 Q. Okay. Do you recall -- when the
12 data was ready, how long did it take you to get
13 a kind of final map?

14 A. I don't recall. We were working
15 on the apportionment and redistricting
16 simultaneously. I don't recall.

17 Q. Was it a matter of days or weeks?

18 A. I mean, it was not days. It took
19 a while to have all of these conversations.

20 Q. Okay. And do you recall when the
21 map was ready to be shared with anyone outside
22 of you, Ms. Blessing and Troy Judy?

23 A. I don't recall when that was.

24 Q. Do you recall who you showed the
25 map to first?

1 RAYMOND E. DiROSSI

2 MR. TUCKER: I'm just going to object
3 to the phrase map.

4 THE WITNESS: I don't recall.

5 MR. STRACH: Is this a good time to
6 take a quick break?

7 MS. THOMAS-LUNDBORG: Sure.

8 MR. STRACH: It's been about an hour.
9 Thanks.

10 THE VIDEOGRAPHER: We're off the
11 record.

12 (Recess taken.)

13 THE VIDEOGRAPHER: We're on the
14 record.

15 MS. THOMAS-LUNDBORG: Great.

16 BY MS. THOMAS-LUNDBORG:

17 Q. I would like to go back to Exhibit
18 19, if you would. So the first time we went
19 through this exhibit we skipped this first
20 page, and I would like to take some time to
21 look at it now.

22 You've testified before that you
23 used the unified political index, correct?

24 A. Correct.

25 Q. Does this document represent the

1 RAYMOND E. DiROSSI

2 unified political index that you used, the
3 races?

4 A. Yes, it does.

5 Q. Okay. And where did you get the
6 data to put together this political index?

7 A. These numbers are publicly
8 available from the Secretary of State, on the
9 Secretary of State's website about who -- what
10 the vote totals were.

11 Q. And did you download the data from
12 the Secretary of State's website?

13 A. Again, I didn't -- I didn't do the
14 data.

15 Q. Okay. Who in your understanding
16 was the person who downloaded the data from the
17 Secretary of State's website?

18 A. Well, I -- I got the top line
19 information from the Secretary of State's
20 website. I believe -- or Clark Benson would
21 have been the one who was doing the data, and
22 whether or not he got it from the Secretary of
23 State's website I couldn't speak to.

24 Q. Okay. And you said that you also
25 had a contract with Cleveland State and OU.

1 RAYMOND E. DiROSSI

2 Was there a reason that Clark Benson got this
3 data for you instead of OU and Cleveland State?

4 A. So the contract with Cleveland
5 State and OU was entered into by the
6 legislative task force on redistricting that we
7 talked about, that bipartisan entity. And so
8 their job was to take the geography of the
9 State of Ohio and, working with all of the ADA
10 county boards of elections that maintain their
11 precinct, ward and municipal boundaries, and
12 putting together the census data and marrying
13 those two pieces of data. That is the role of
14 Cleveland State and OU.

15 Q. Did you specifically contract with
16 Clark Benson or how did he come to work on the
17 historical data?

18 A. I did not contract with him. I
19 don't know how.

20 Q. How were you introduced to Clark
21 Benson?

22 A. I had known Clark from the
23 previous decade when he performed the same
24 function.

25 Q. And how did he come to work in the

1 RAYMOND E. DiROSSI

2 2011 redistricting cycle?

3 A. I can't remember specifically how
4 he was reintroduced to me as, hey, Clark is
5 going to be available to help you again.

6 Q. Do you know how he was paid?

7 A. I do not.

8 Q. I would like to look at Exhibit 22
9 -- or it actually hasn't been introduced yet,
10 but if you turn to tab 22.

11 (Thereupon, Plaintiffs' Exhibit
12 Number 22, Document Bates Stamped DIROSSI_0000010,
13 was marked for purposes of identification.)

14 BY MS. THOMAS-LUNDBORG:

15 Q. I'm having marked for the record
16 as Exhibit 22 DIROSSI_10. This is a series of
17 charts here. Do you recognize this document?

18 A. I do.

19 Q. Are you the author of this
20 document?

21 A. I am.

22 Q. Okay. And why did you create this
23 document?

24 A. As we talked about before, from my
25 historical interactions with the redistricting

1 RAYMOND E. DiROSSI

2 and apportionment in the previous decade, I
3 recalled that when you were doing redistricting
4 and apportionment the first things that
5 everybody wanted from you were maps and
6 indexes, maps and indexes. It doesn't matter
7 if you were talking to the press, if you were
8 talking to legislative senators, state
9 representatives, congressmen, people
10 testifying, citizens, whoever, the first thing
11 that people wanted were historical political
12 indexes and maps.

13 And so this was a document I
14 created trying to keep the -- the political
15 indexes, the historical election stuff straight
16 so that I could answer those questions.

17 Q. Okay. Am I correct that this top
18 chart seems to show the 18 house districts as
19 they existed from 2002 to 2012?

20 A. Right, so that's a very, very good
21 point. These are the 18 congressional
22 districts from the previous decade using the
23 unified index and some other measures from
24 2011.

25 Q. Okay. So let's start with this

1 RAYMOND E. DiROSSI

2 first column. It says current districts. Do
3 the names here represent the congresspeople as
4 they were at the time in those districts?

5 A. The vast majority of them I'm sure
6 are the incumbents, but I can't speak to
7 whether or not they all are. I can't say.

8 Q. Okay. And then the next column is
9 McCain '08. Is it correct that this would be
10 how much McCain would have gotten in those
11 districts in 2008?

12 A. Yes.

13 Q. Okay. And then Bush '04, is that
14 how much Bush would have gotten in 2004 in
15 those districts?

16 A. Yes.

17 Q. And then Governor Kasich 2010, is
18 that the percentage that Governor Kasich would
19 have gotten in those districts?

20 A. Yes.

21 Q. And then DeWine 2010 AG, is that
22 the number that DeWine would have gotten in
23 each of those districts?

24 A. Yes.

25 Q. Then '06 AG Montgomery, is that

1 RAYMOND E. DiROSSI

2 the number that Montgomery would have gotten in
3 those districts in 2006?

4 A. Yes.

5 Q. And then 2006 AUD, I'm assuming
6 that's auditor --

7 A. Correct.

8 Q. -- Taylor, is that the percentage
9 that Taylor would have gotten in those
10 districts?

11 A. Yes.

12 Q. Are all the individuals that we
13 just named Republicans?

14 A. They are.

15 Q. Okay. Included in this chart is
16 DeWine AG 2010. It doesn't appear in 19. You
17 can look back if you would like to refresh your
18 recollection.

19 A. Yeah, that's what I was looking
20 for. Oh, there it is. Yes, I thank you for
21 that. I would point out that on this document,
22 19, I had both the Republican and the
23 Democratic people who participated in that
24 election. But I remember that was too much
25 information to get into those little cell

1 RAYMOND E. DiROSSI

2 headers, so I chopped down and abbreviated the
3 races. That's why those are all the Republican
4 names.

5 Q. Okay. So my question for you is,
6 do you recall why DeWine was part of this
7 document and not part of 19?

8 A. Yeah, as I mentioned, everybody
9 had their own way of looking at a political
10 index or historical election data. I had said
11 and come to the conclusion that these were the
12 five races that we should be looking at. Other
13 people wanted to look at pieces and parts of
14 these five exclusively, specifically the '08
15 McCain numbers. Other people wanted to include
16 the 2010 Attorney General race as a barometer
17 of the historical election results.

18 And so this is me trying to put
19 all of that information into one document so
20 that I could answer all of those questions that
21 I was being bombarded with after the districts
22 were put out. This document was created after
23 319 was adopted by the legislature when we were
24 getting media and member onslaughts of
25 questions.

1 RAYMOND E. DiROSSI

2 Q. Okay. There is a column called
3 unified average. Is that the unified index?

4 A. It is.

5 Q. And would the unified index be the
6 five races or would it also include DeWine?

7 A. It would have been the five races
8 and then weighted to 50/50 as Exhibit 19 had.

9 Q. Okay. The last column refers to
10 PVI. What is PVI?

11 A. So this is how the national
12 congressional Democrats and Republicans
13 calculate indexes. They don't use numbers,
14 they use R plus this and D plus this. So I
15 don't know how those are calculated, but I
16 wanted to try to have at my disposal the
17 language that they were talking about so when I
18 was asked about districts I could respond to --
19 in that language. So that is the congressional
20 methodology, which I cannot explain what it is.

21 Q. Okay. Do you recall whether you
22 got this information from the Cook's PVI or did
23 you get it somewhere else?

24 A. I don't know what the Cook's PVI
25 is.

1 RAYMOND E. DiROSSI

2 Q. Okay.

3 A. Yeah.

4 Q. Do you recall where you got the
5 PVI from?

6 A. I don't -- I don't recall. I
7 would be guessing.

8 Q. Okay. At the bottom of this first
9 chart it says R plus 5 is likely Republican.
10 Do you see that?

11 A. I do see that.

12 Q. And do you recall where this R
13 plus 5 is likely Republican came from?

14 A. Yeah, again, so this deals with
15 the R plus, D plus language, and so this would
16 have come from somebody I was talking to at the
17 national -- the national level of how they
18 would look at districts.

19 And again, as you pointed out,
20 everything on the top of this chart deals with
21 districts that are -- they're the districts
22 from 2001 with 2010 election data and 2001
23 population data. So they're not real, they're
24 just -- they're this weird point in time that
25 aren't really valid.

1 RAYMOND E. DiROSSI

2 As we've talked about, some of
3 these districts were tens of thousands, if not
4 hundreds of thousands of people away from the
5 targets, so another reason why these indexes
6 are just kind of almost meaningless. But
7 again, that's what everybody asks for, so I was
8 trying to have it.

9 Q. Well, just sticking on this first
10 chart -- and this is the current districts as
11 they stood at the time, right? This isn't a
12 hypothetical district that you're looking at?

13 A. It's the districts from 2001 that
14 over the decade from 2001 to 2011 had grown --
15 some had contracted and some had grown in
16 population and so -- not to mention that we
17 were losing two districts, and so the district
18 targets of their population had to change by 70
19 some thousand people.

20 So yes, they are the district
21 boundaries, but the underlying data that's
22 generating these is not even really relevant to
23 anything because they're just not legitimate.

24 Q. But the underlying data is for the
25 districts as they stood at the time, correct?

1 RAYMOND E. DiROSSI

2 MR. STRACH: Objection.

3 (Witness nodded head up and down.)

4 BY MS. THOMAS-LUNDBORG:

5 Q. Okay. Moving on, it says up to R

6 plus 5 is swing. Do you see that?

7 A. I do.

8 Q. Where does that come from?

9 A. Same source as the language above

10 it. This is -- everything that is R plus and D

11 plus is the federal language of how you look at

12 districts and their historical election

13 returns, and so that would have come from the

14 same source as the language above it.

15 Q. And was that source Adam Kincaid?

16 A. I can't say for sure. I can't

17 remember.

18 Q. Okay. And then if you look over,

19 there's R plus 5 is likely Republican. Number

20 of districts R plus 5 is 7. Do you see that?

21 A. I do.

22 Q. Does that mean that there were 7

23 districts that were R plus 5?

24 A. Yes.

25 Q. And then it says up to R plus 5 is

1 RAYMOND E. DiROSSI

2 swing, number of districts that are R plus 3 -

3 I wonder if that's a typo - is 9.)

4 A. Yeah, I see that and I see that

5 discrepancy and I'm not sure why -- I don't

6 know how I made -- I don't know why I made that

7 error, if that's material to this whole thing

8 or not.

9 Q. Okay.

10 A. But yeah, that does not seem to be

11 consistent.

12 Q. But does it appear, just looking,

13 eyeballing the chart, that there are 9

14 districts that are R plus 3?

15 A. Yeah, so there are only 8

16 districts that are R plus 5 and there are 9

17 districts that are R plus 3, so I'm not sure

18 which one of those is correct.

19 Q. Okay. Going to the next chart,

20 this appears to be the kind of pairing of

21 incumbents that we talked about before. Is

22 your understanding that this was 319?

23 A. Yes, that's my understanding.

24 This is 319 as enacted.

25 Q. Okay. And so the first columns

1 RAYMOND E. DiROSSI

2 all seem to be the same as the top column.

3 There is one new column here which is titled

4 Delta. Do you see that?

5 A. I do.

6 Q. What is the Delta?

7 A. Well, this would have been

8 information that was provided to me from that

9 national source that uses that language. You

10 know, I was -- I was going to say it's the

11 difference between the PVI and the bottom chart

12 to the top chart, but then as I did some spot

13 checking it doesn't match up, so I --

14 Q. Which one doesn't match?

15 A. I just started at the bottom and

16 the first one I looked at, the 18th district in

17 the top chart Gibbs is R plus 7, whatever that

18 means, and then this bottom -- oh, I see, 18 is

19 not 18 at the bottom. No, there's not 18 in

20 the bottom.

21 Q. What about starting from the top?

22 It might be easier to match. I think there are

23 more of them that --

24 A. It just goes to show, I don't know

25 what -- I mean, I never really looked at this

1 RAYMOND E. DiROSSI

2 when I got it. I don't know.

3 Q. I thought you said you were the
4 author of this document.

5 A. I am, but this information came to
6 me from somebody else because I don't know what
7 these scoring things, how you would calculate
8 them, so I would have just got them and typed
9 them into the cell in my spreadsheet to produce
10 this document.

11 Q. Okay. Well, let's go through a
12 few of them. So the first one is Chabot 1 and
13 the top line it's D plus 1 and then in the
14 following chart it's R plus 6, the Delta is
15 plus 7. Does that look like it's Republicans
16 have gone up plus 7?

17 MR. STRACH: Objection.

18 THE WITNESS: Yeah, I mean, I think
19 you could -- R is Republican, but again, I don't
20 know what 7 -- I don't know what that means. I
21 don't know that scoring system.

22 BY MS. THOMAS-LUNDBORG:

23 Q. Okay. So R plus 13 on the top for
24 Schmidt and then on the bottom it's R plus 8
25 and the Delta is negative 5. Do you see that?

1 RAYMOND E. DiROSSI

2 A. I do.

3 Q. And you have no understanding of
4 whether the Delta negative 5 is R plus 13 minus
5 R plus 8?

6 A. I mean, that would seem logical,
7 but since I'm not the source of that
8 information, I --

9 Q. Okay.

10 (Thereupon, Plaintiffs' Exhibit
11 Number 23, Document Bates Stamped DIROSSI_0000142,
12 was marked for purposes of identification.)
13 BY MS. THOMAS-LUNDBORG:

14 Q. I would like to move on to a
15 document that I'm having marked as Exhibit 23,
16 and for identification it's DIROSSI_142.

17 A. Yes.

18 Q. And it has HB 319 unified indexes,
19 proposal unified indexes. Do you see that?

20 A. I do.

21 Q. Do you recognize this document?

22 A. Yes.

23 Q. What is it?

24 A. It's yet another document that I
25 created so that I could be prepared when I

1 RAYMOND E. DiROSSI

2 received inquiries about election results about
3 districts from any source that I would be able
4 to answer.

5 Q. Okay. And this document is a
6 little hard to read. Excuse me. This is just
7 the best copy that we received. The column
8 that says HB 319 unified indexes, is that the
9 unified index that we've been discussing?

10 A. It is.

11 Q. And what is the proposal unified
12 indexes; do you know?

13 A. So this document is House Bill 369
14 as introduced.

15 Q. Okay. And at the bottom of the --
16 the last column in the first chart says
17 assuming 52.5 percent and higher is a safe R.
18 Do you see that?

19 A. I do.

20 Q. Where did the assumption come from
21 that 52.5 is a safe R?

22 A. So there was a lot of debate, both
23 in the press, the media and among legislators,
24 about districts and historical political
25 indexes. And specifically the -- Jim Slagle

1 RAYMOND E. DiROSSI

2 and the Campaign for Accountable Redistricting
3 was saying that using his own set of election
4 data and his own scoring, that there were a
5 lack of competitive districts. And so I was
6 trying to use -- trying to show House Bill 319
7 versus House Bill 369 as introduced just
8 generally what those indexes would be here.

9 Q. Okay. But where did the
10 assumption come from that 52.5 percent was safe
11 R?

12 A. I can't say for -- I can't say for
13 certain.

14 Q. And then it goes on to say 47.5
15 percent and lower is safe D. Do you know where
16 that assumption came from?

17 A. Yeah, that is Jim Slagle's -- I
18 was restating what he had been saying in the
19 press about districts.

20 Q. Now, you testified a minute ago
21 that you created these, Exhibit 24 -- I mean,
22 sorry, Exhibit 22 and Exhibit 23 for media.
23 Did you use a political indices at all prior to
24 the introduction of HB 319?

25 A. Well, it wasn't just for media.

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2 It was for anybody at any moment in time that
3 might ask. As I pointed out, there were
4 congressmen and women who had asked for that
5 information, there were aspiring candidates to
6 run for Congress in the future when we talked
7 about now Congresswoman Joyce Beatty who
8 specifically made a request about indexes of
9 the 3rd congressional district. There were
10 members of the Senate leadership team that were
11 asking, members of the legislature that were
12 asking, President Niehaus who was then asking
13 me, and so all of these documents are
14 me-created so that I could have them handy so
15 that I could answer those questions.

16 Q. And did you create -- sorry,
17 strike that.

18 Did you use any of the historical
19 data prior to HB 319 being introduced?

20 A. I mean, I used it in the -- we had
21 that same election data available to us for the
22 apportionment.

23 Q. Did you use it in the drawing of
24 your maps? Did you ever look at a map and see
25 how -- its measurement on the unified index?

1 RAYMOND E. DiROSSI

2 A. Okay. You said -- okay, I thought
3 you said before 319.

4 Q. Yes, before 319 was introduced, so
5 while you were working on drawing the map did
6 you look at the indices?

7 A. Well, the way that we were set up,
8 whenever we would make a change to any
9 district, whether we were working on the whole
10 state or an individual district, the population
11 would change, the African American population
12 would change, the Hispanic population would
13 change, the unified index would change.

14 All these other variables that
15 people were interested changed simultaneously.
16 So we never used any one exclusively, they were
17 all just changing every time we made any type
18 of change.

19 Q. Okay. So you did have the unified
20 index to look at when you were drawing the
21 maps?

22 A. Yeah, along with everything else
23 that I articulated.

24 (Thereupon, Plaintiffs' Exhibit
25 Number 24, Documents Bates Stamped

1 RAYMOND E. DiROSSI

2 GOVPR_008278-8280, was marked for purposes of
3 identification.)

4 BY MS. THOMAS-LUNDBORG:

5 Q. Okay. I would like to mark for
6 the record Exhibit 24. It's in tab 24. For
7 identification, the Bates number is GOVPR_8278.
8 This is something that was produced by the
9 Governor. I'm just going to ask you a kind of
10 quick question. It is the -- it purports to be
11 the bill signing of HB 218 and HB 319. You'll
12 see your name appears as a participant and next
13 to your name it says Senate Redistricting
14 Director. Do you see that?

15 A. I do.

16 Q. What was your role as the Senate
17 Redistricting Director?

18 A. Yeah, so that's probably somebody
19 preparing a document that really doesn't know
20 what was happening. I did not hold such a
21 title or role.

22 Q. Okay. In your work on
23 redistricting you said you talked to President
24 Niehaus. Between you and Ms. Blessing, was
25 there a division of labor between the Senate

1 RAYMOND E. DiROSSI

2 and the House?

3 A. Nothing specific, no.

4 Q. Okay. Did you both equal -- have
5 equal amounts of conversations with President
6 Niehaus, for example?

7 A. I don't know what conversations
8 she might have had with him, so I can't compare
9 the two.

10 (Thereupon, Plaintiffs' Exhibit
11 Number 25, Document Bates Stamped DIROSSI_0000039,
12 was marked for purposes of identification.)

13 BY MS. THOMAS-LUNDBORG:

14 Q. Okay. I'm having marked for the
15 record Exhibit 25. It's DIROSSI_39 --

16 A. 39?

17 Q. I'm sorry, that's the name of the
18 Bates. It's Exhibit 25.

19 A. Got you.

20 Q. And the subject is Confirmed:
21 Meet with Leadership on Redistricting Bill from
22 September 2nd, 2011. Do you see that?

23 A. I do.

24 Q. When here it refers to a meeting
25 with the leadership, do you recall who would

1 RAYMOND E. DiROSSI

2 have been included in leadership meetings that
3 you attended at the time?

4 A. Well, President Niehaus was the
5 president of the Senate, so obviously he was a
6 member of leadership, the president. I would
7 be guessing at the other members of leadership
8 specifically. I can't recall his other members
9 of leadership.

10 Q. Okay. Would Democrats have been
11 included in members of leadership?

12 A. The Democrats had the Democratic
13 leadership, so --

14 Q. Would they have been included in
15 meetings that you attended on redistricting?

16 A. If they had asked.

17 Q. Do you recall any specific
18 meetings that you attended with Democrats?

19 A. I did attend a meeting at the
20 request of the Democrats for the -- during one
21 of their caucuses, but I can't say with
22 certainty whether it was for the congressional
23 redistricting bill or if it was when we were
24 working with them to change the process by
25 which we do apportionment districts in the

1 RAYMOND E. DiROSSI

2 state, the constitutional amendment that was
3 just adopted. But I did attend one caucus at
4 their invitation.

5 Q. Okay. Other than that one meeting
6 that you just mentioned, do you recall
7 attending other -- any other meetings with the
8 Democratic caucus?

9 A. With the Democratic caucus?

10 Q. Or leadership.

11 A. Caucus, no other. Obviously,
12 apologies, during the apportionment Leader
13 Budish was a member of the apportionment board
14 and I did attend all of the apportionment board
15 meetings, and specifically spoke with him
16 extensively about apportionment.

17 Q. If those meetings had been put in
18 your calendar would they have been put in your
19 calendar as apportionment board or meetings
20 with leadership on redistricting bill?

21 A. Probably apportionment board. If
22 it was an actual date that the apportionment
23 board met, I would have -- I would have put it
24 on my calendar as an apportionment board
25 meeting.

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2 Q. Okay.

3 A. I know Leader Budish and I shared
4 maybe a two-hour discussion during that
5 apportionment board meeting about districting
6 and some of the principles.

7 Q. Okay. Other than that
8 conversation you had with Leader Budish during
9 the apportionment board, do you recall any
10 other conversations with Leader Budish
11 regarding redistricting?

12 A. I do not.

13 (Thereupon, Plaintiffs' Exhibit
14 Number 26, Documents Bates Stamped
15 LWVOH_00018302-18308, was marked for purposes of
16 identification.)

17 BY MS. THOMAS-LUNDBORG:

18 Q. I would like to show you a
19 document that I'm having marked as Exhibit 26,
20 and the first page has the Bates number of
21 LWVOH_18302, and in the top left-hand -- sorry,
22 right-hand corner is your email. Do you see
23 that?

24 A. I do.

25 Q. And then the from line appears to

1 RAYMOND E. DiROSSI

2 be from Adam Kincaid. Do you see that?

3 A. I do.

4 Q. Do you recognize the email address
5 next to it as Adam Kincaid's email address?

6 A. I mean, sitting here that would be
7 his email.

8 Q. Okay. And the to line is your
9 email address, we've already established that,
10 and Heather Mann's, we've established that.
11 There's then an email address for Tom Whatman
12 which is TWhatman@TeamBoehner.com. Do you see
13 that?

14 A. Yes, Boehner.

15 Q. Sorry, Boehner. Do you recognize
16 that as Tom Whatman's email address?

17 A. Looking at it on this piece of
18 paper I would recognize it as his email
19 address, but I --

20 Q. Okay. So the email from Adam
21 Kincaid, as we were discussing, says revised
22 attached, let me know your thoughts and I'll
23 work on it some more in the morning if needed.
24 Do you see that?

25 A. Yes.

1 RAYMOND E. DiROSSI

2 Q. And then there appears to be an
3 attachment which says New Map Idea Redraft.zip.
4 Do you see that?

5 A. I do.

6 Q. Did you receive from Adam Kincaid
7 at this point ideas by email?

8 A. Do you know, is this all one email
9 chain?

10 Q. It appears to be, only because it
11 says Gmail New Idea Draft page 1 of 8, and then
12 you have page 2 of 8, page 3 of 8, page 4 of 8,
13 so on and so forth.

14 A. Yeah.

15 Q. And that's an internal pagination
16 to the document.

17 A. Okay. And your specific question
18 again? I'm sorry.

19 Q. It's a general question about
20 whether you were receiving ideas from Adam
21 Kincaid at this point.

22 A. Well, with this document in front
23 of me, he sent me something called New Idea
24 Redraft. I can't recall if it was at my
25 request of him or he was sending it to me, but

1 RAYMOND E. DiROSSI

2 obviously on September 2nd at the date and time
3 here, he sent me that email, this email.

4 Q. Okay. Generally do you recall
5 receiving feedback from Adam Kincaid on the
6 draft map?

7 MR. STRACH: Objection.

8 THE WITNESS: Yeah, I recall sharing
9 information and ideas with Adam, but I don't
10 recall the specifics of them.

11 BY MS. THOMAS-LUNDBORG:

12 Q. Okay. What types of ideas would
13 you be sharing with Mr. Kincaid at this point?

14 A. Well, again, I don't remember any
15 specific ones, but if any member of the
16 legislature, Republican or Democrat, was asking
17 for something and I felt I wanted his opinion
18 on it, I would have asked him for his opinion
19 on it.

20 Q. If you turn to the third page of
21 this document, and I'm in the middle of the
22 page, there's an email from Tom Whatman. We've
23 already established that email address. And in
24 it he says, Adam, all looks good on the
25 surface, key is whether we can improve CD 1 and

1 RAYMOND E. DiROSSI

2 CD 14 at block level while keeping concepts
3 intact. Do you see that?

4 A. I do.

5 Q. Do you recall whether at this
6 point Tom Whatman was providing suggestions to
7 the draft map?

8 A. Yeah, so this is an email from Tom
9 to Adam that I'm cc'd on, I guess.

10 Q. I think it's to you, but obviously
11 --

12 A. But it's from Tom to -- yeah, I
13 don't recall. You can ask Tom what he meant by
14 that. I don't know.

15 Q. I'm not asking what he meant in
16 this email. I'm just asking you generally were
17 you receiving feedback from Tom Whatman on the
18 draft map?

19 A. Tom was another resource that we
20 could -- I could have an information exchange
21 with.

22 Q. And were you exchanging
23 information at this point in the process?

24 A. I would -- yes, because the bill
25 was within a couple of weeks of being

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2 introduced and voted on, so yes.

3 (Thereupon, Plaintiffs' Exhibit

4 Number 27, Document Bates Stamped DIROSSI_0000040,
5 was marked for purposes of identification.)

6 BY MS. THOMAS-LUNDBORG:

7 Q. Okay. I would like to move on to
8 an exhibit I'm having marked as Exhibit 27.

9 For the record, it's DIROSSI_40, and the
10 subject is Confirmed: Meet with Speaker and
11 Others re: Redistricting, and it's from
12 September 5th, 2011. Do you recall meeting
13 with the speaker generally during this period?

14 A. I do remember a meeting, but I
15 don't know if -- I don't know anything about
16 this one. I can't remember what this one was
17 --

18 Q. And if the meeting -- the meeting,
19 just to be clear, would have been with Speaker
20 Batchelder or would it have been with someone
21 else?

22 MR. STRACH: Objection.

23 THE WITNESS: Which one, the one that
24 I recall or this one?

25 BY MS. THOMAS-LUNDBORG:

1 RAYMOND E. DiROSSI

2 Q. The one that you recall.

3 A. The one that I recall, which I
4 don't know if it is this one, was with Speaker
5 Batchelder.

6 Q. Okay. Do you recall anyone else
7 being at that meeting?

8 A. President Niehaus.

9 Q. Anyone else?

10 A. Myself, Heather.

11 Q. Anyone else?

12 A. Those are the four that I
13 remember, including myself.

14 Q. And what was the subject of that
15 meeting that you recall?

16 A. Generally it was congressional
17 redistricting and where we were in the process
18 and how we were moving forward.

19 Q. Okay. And where were you at that
20 point in the process?

21 A. Well, again, we're talking about a
22 hypothetical meeting -- or a meeting that I
23 don't remember when it was. So where we were
24 in the process, I couldn't say.

25 (Thereupon, Plaintiffs' Exhibit

1 RAYMOND E. DiROSSI

2 Number 28, Document Bates Stamped DIROSSI_0000043,
3 was marked for purposes of identification.)

4 BY MS. THOMAS-LUNDBORG:

5 Q. Okay. I would like to turn to an
6 exhibit I'm having marked as Exhibit 28. It's
7 DIROSSI_43, for the record, and it says
8 Confirmed: Meet with President Niehaus re:
9 Apportionment and Redistricting, Tuesday,
10 November -- sorry, September 6th. Do you see
11 that?

12 A. I do.

13 Q. Do you recall having a meeting
14 with President Niehaus around this time?

15 A. I mean, so September is right in
16 the heart of the apportionment constitutional
17 timeline that had to be done, the redistricting
18 was also ongoing, so I -- I do remember meeting
19 and talking to President Niehaus a lot.

20 (Thereupon, Plaintiffs' Exhibit
21 Number 29, Document Bates Stamped DIROSSI_0000044,
22 was marked for purposes of identification.)

23 BY MS. THOMAS-LUNDBORG:

24 Q. Okay. I would like to move to an
25 exhibit I'm going to have marked as Exhibit 29.

1 RAYMOND E. DiROSSI

2 It is Confirmed: Senate Leadership Meeting,
3 and it's DIROSSI_44, for the record.

4 And, to be efficient, I'm also
5 marking for the record Exhibit 30. It's
6 DIROSSI_45. It's another Confirmed: Senate
7 Leadership Meeting from September 9th.

8 (Thereupon, Plaintiffs' Exhibit
9 Number 30, Document Bates Stamped DIROSSI_0000045,
10 was marked for purposes of identification.)

11 BY MS. THOMAS-LUNDBORG:

12 Q. As you sit here today, do you
13 recall whether you had two separate meetings
14 with the Senate leadership or if this is one
15 meeting with multiple entries?

16 A. Okay. Apologies. You're looking
17 at 30 and 31? I'm sorry.

18 Q. I'm looking at 29 and 30.

19 A. And your question is did these
20 meetings happen?

21 Q. Do you recall whether there were
22 two separate meetings with the Senate
23 leadership or was there just one meeting?

24 A. I mean, I just don't -- I don't
25 recall if these meetings happened, I don't

1 RAYMOND E. DiROSSI

2 recall if we did one and not the other. It's

3 just too long ago. I don't recall.

4 Q. Okay. And we've already discussed
5 a little bit about meetings with leadership.
6 Do you recall whether these meetings would have
7 been with Democrats or with Republicans?

8 MR. STRACH: Objection.

9 BY MS. THOMAS-LUNDBORG:

10 Q. As planned, at the minimum there
11 was a planned meeting?

12 A. Well, as I said, President Niehaus
13 was having those conversations with the members
14 of the Democratic Senate, and so there was
15 really no need for me to have that level of
16 interaction. Any information that was
17 relevant, like the requests from the
18 legislative Democrats that we did in 369, were
19 being relayed to me through other -- other
20 channels.

21 Q. If you received a meeting
22 invitation, would that meeting have been for a
23 meeting with Republicans and Democrats or just
24 Republicans?

25 MR. STRACH: Objection.

1 RAYMOND E. DiROSSI

2 THE WITNESS: I mean, it could have
3 been -- it could have been both.

4 (Thereupon, Plaintiffs' Exhibit
5 Number 31, Document Bates Stamped LWVOH_00018310,
6 was marked for purposes of identification.)

7 BY MS. THOMAS-LUNDBORG:

8 Q. I'm moving to what I'm having
9 marked as DiRossi 31. It has Bates stamp LWVOH
10 and it's 18310. And do you see your email
11 address at the top right corner?

12 A. I do.

13 Q. And then do you see your email
14 address in the from line at the top of the
15 email?

16 A. I do.

17 Q. In the to line it says Senator
18 Keith Faber. Do you see that?

19 A. Yes.

20 Q. And who -- do you recognize this
21 email address?

22 A. Yes.

23 Q. And whose email address is this?

24 A. I believe it is Senator Keith
25 Faber's.

1 RAYMOND E. DiROSSI

2 Q. And then in the cc line it is Matt
3 Schuler. Do you recognize this as Matt
4 Schuler's email address?

5 A. Yes.

6 Q. And in the email the top line says
7 Senator Faber, here is your concept put into a
8 map. Do you see that?

9 A. Yes.

10 Q. At any point in the redistricting
11 process did you receive ideas from Senator
12 Faber?

13 A. Verbally, yes.

14 Q. And what were the nature of his
15 verbal ideas?

16 A. So he lives in -- resides in
17 Mercer County and in House Bill 319 and 369 you
18 have multiple congressional districts that were
19 being proposed to come together and balance out
20 on population in Mercer County.

21 And do you have copies of the maps
22 that I can -- I can use? We keep referring to
23 all these maps and I --

24 Q. You know, I have a copy of 369, I
25 believe. Would this be helpful to you?

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2 A. Yes. So as I was saying -- thank
3 you for that, that's very helpful. As I was
4 saying, in Mercer County you have three
5 congressional districts that are coming
6 together and are really being balanced out down
7 to that block level, and he, residing in Mercer
8 County, was very interested about what
9 geography was going to be in what district, and
10 so those were the nature of the verbal
11 interactions that I had with him.

12 Q. Okay. I'm going to skip a line.
13 And then the email goes on to, if the other
14 idea that Huffman worked on - we need to get
15 something that you and Huffman agree to by
16 tomorrow when Speaker Batchelder and President
17 Niehaus get together. Do you see that?

18 A. I do.

19 Q. Do you recall there being a
20 disagreement between Mr. Huffman and Mr. Faber?

21 A. I do not recall any disagreement
22 between them.

23 Q. Okay. Do you recall a time where
24 there were discussions between members of the
25 House and members of the Senate about the

1 RAYMOND E. DiROSSI

2 redistricting bill?

3 A. So you're asking me if I was part
4 of any conversations with -- I'm sorry.

5 Q. With members of the House and
6 members of the Senate about the bill.

7 A. Well, this -- this would be one
8 example where Senator Faber, senator, Matt
9 Huffman, House member, and I were talking
10 about, my recollection Mercer County, and how
11 the map could be proposed.

12 Q. Okay. Do you recall if at this
13 point in September -- on September 10th if the
14 map had been introduced yet?

15 A. I should know that. I don't
16 recall. I don't recall.

17 Q. The next line of the email says DC
18 is increasingly -- is pushing to put the lid on
19 this. Do you see that?

20 A. I do.

21 Q. Do you recall what the reference
22 to DC is?

23 A. I don't -- I don't recall.

24 Q. What about put the lid on this,
25 what does that mean?

1 RAYMOND E. DiROSSI

2 A. Well, it's to get a map proposed
3 and enacted.

4 Q. Were you getting pressure from
5 anyone to get a map proposed and enacted at
6 this point?

7 A. Well, people were getting pressure
8 from me because we were right in the heart of
9 the constitutionally mandated timeline for the
10 apportionment, which had to be done by
11 September 31st, and I was personally very
12 concerned that we were still working on the
13 congressional redistricting at the same time we
14 were trying to do the apportionment and that we
15 were just -- it was too much.

16 Q. I understand that you were
17 pressuring people, but this DC, at a minimum,
18 is a reference to someone who is not you,
19 correct?

20 MR. STRACH: Objection.

21 BY MS. THOMAS-LUNDBORG:

22 Q. Do you refer to yourself in the
23 third person?

24 A. Not usually, but I'm sure I have.

25 Q. Do you refer to yourself by DC?

1 RAYMOND E. DiROSSI

2 A. No.

3 Q. So, at a minimum, this was someone
4 outside of you?

5 MR. STRACH: Objection.

6 THE WITNESS: Yeah, I don't remember
7 the specifics of who I was referring to here in
8 this -- you know, obviously an email from almost
9 seven years ago.

10 (Thereupon, Plaintiffs' Exhibit
11 Number 32, Document Bates Stamped LWVOH_00018297,
12 was marked for purposes of identification.)

13 BY MS. THOMAS-LUNDBORG:

14 Q. All right. I'm going to move on
15 to an exhibit I'm having marked as 32 and it is
16 LWVOH_18297, and the subject line is
17 Redistricting Tweaks. Do you see your email
18 address in the top right corner?

19 A. I do.

20 Q. Then there is an email in the from
21 line. Do you recognize this email address?

22 A. Are you referring to Senator
23 Niehaus?

24 Q. Yes.

25 A. Yes, I do recognize that.

1 RAYMOND E. DiROSSI

2 Q. And whose email address is that?

3 A. Senator Niehaus'.

4 Q. And in the to line there is a
5 Whatman@sppgrp.com. Do you see that?

6 A. I do.

7 Q. Do you recognize that email
8 address?

9 A. You know, I really don't because
10 we just looked at -- you asked me before about
11 a Tom Whatman email and that was the one I
12 recognized. This one is a different one. I
13 don't recognize this one.

14 Q. Okay. Did you email any Whatmans
15 at more than one email address?

16 A. Boy, I don't recall.

17 Q. Okay.

18 A. I don't recall.

19 Q. Do you recognize your email
20 address in the other to line?

21 A. I do. That is mine.

22 Q. Okay. In the first line it says
23 sorry about the last-minute tweaks from Faber
24 and Widener. Do you see that?

25 A. I do.

1 RAYMOND E. DiROSSI

2 Q. Did you have an understanding or
3 do you know of who Faber is?

4 A. I don't think I ever said I didn't
5 know who Faber was.

6 Q. I'm asking who is Faber referenced
7 here?

8 MR. STRACH: Objection.

9 You can answer that if you can.

10 THE WITNESS: It sounds like a simple
11 question, but I didn't understand it. Apologies.

12 BY MS. THOMAS-LUNDBORG:

13 Q. Yeah. Who is the Faber referenced
14 here?

15 A. Senator Faber.

16 Q. And who is the Widener referenced
17 here?

18 A. Senator Widener.

19 Q. And I'm skipping to the next line.
20 It says, I'm still committed to getting --
21 committed to ending up with a map that Speaker
22 Boehner fully supports with or without the
23 votes from two members in leadership. Do you
24 see that?

25 A. Yes.

1 RAYMOND E. DiROSSI

2 Q. Do you recall at the time there
3 being discussions about Speaker Boehner's
4 support of the map?

5 A. Yeah, I mean, this -- obviously
6 this is an email from Senator Niehaus that I
7 may have received, but I didn't send, so I
8 don't know what -- I mean --

9 Q. Again, I'm not asking you about
10 this email specifically. I'm asking do you
11 recall there being any discussions which you
12 were a part of where there was talk about
13 Speaker Boehner's support of the map?

14 A. Well, it was -- it was clear to me
15 from conversations with President Niehaus that
16 President Niehaus was interested in Speaker
17 Boehner's input and thoughts on the map. But
18 ultimately, as we've talked about, this was a
19 bill that was going through the legislature,
20 and anybody who had thoughts or ideas of the
21 map, if we couldn't get -- I shouldn't say we,
22 because I'm not a member of the legislature, if
23 the president and the speaker of the Ohio House
24 can't get the votes in the legislature, it's
25 irrelevant.

1 RAYMOND E. DiROSSI

2 So yes, it was made clear to me
3 that he was interested in feedback and what
4 Speaker Boehner thought, but he still had the
5 responsibility to work with the Democrats in
6 the legislature and get a bill passed.

7 Q. Okay. At the time when 319 was
8 passed did it have Democratic support?

9 A. I believe it did. It had much
10 less support than 369, where, as I said, I
11 think there were 25 members of the Democratic
12 House and Senate that voted in support of it,
13 but there were members of the Senate Democratic
14 caucus who voted for 319. They spoke very
15 passionately about the map on the floor of the
16 Ohio Senate. And there were a handful of
17 members of the Ohio House that voted in support
18 of 319 on the Ohio House and who also spoke
19 very eloquently about it on the floor of the
20 House.

21 Q. So your recollection is that
22 Democrats spoke in favor of the map, and by the
23 map I mean 319, on the floor of the House?

24 A. The ones who voted for it, yes,
25 some of them did speak to it on the floor of

1 RAYMOND E. DiROSSI

2 the House and Senate respectively.

3 Q. And when was that?

4 A. I don't recall the specific date
5 that 319 was on the floor of the House and
6 Senate, but whatever date it was.

7 Q. At the bottom of this email it
8 says I spoke with Strivers Sunday morning and
9 know he does not support the Widener changes
10 putting him over to Wright-Patt. Do you see
11 that?

12 A. I do.

13 Q. Do you recall there being
14 discussions at the time with Congressman
15 Strivers?

16 A. Again, this is not an email that I
17 generated. I received it, but I didn't
18 generate it, so I -- if there are
19 conversations, I wasn't having them.

20 Q. Okay.

21 A. That's not what I was --

22 Q. So you did not have any
23 conversations with Congressman Strivers at this
24 time?

25 A. None that I can specifically

1 RAYMOND E. DiROSSI

2 recall.

3 Q. Okay.

4 A. I do remember in producing
5 documents there was an email that I believe he
6 and I exchanged, but I cannot recall the
7 specifics of it.

8 Q. Do you recall at all there being a
9 particular concern with Congressman Strivers at
10 this time regarding the draft map?

11 A. You're talking about 319 or 369 or
12 both?

13 Q. 319 because we're in early
14 September.

15 A. 319. Your question again?

16 Q. Do you recall there being any
17 concerns that Congressman Strivers had about
18 319?

19 A. None that I can articulate or
20 recall.

21 (Thereupon, Plaintiffs' Exhibit

22 Number 33, Documents Bates Stamped

23 LVWOH_00018298-18301, was marked for purposes of

24 identification.)

25 BY MS. THOMAS-LUNDBORG:

1 RAYMOND E. DiROSSI

2 Q. Okay. I'm going to turn to a
3 document I'm having marked as Exhibit 33 and
4 it's LWVOH_18298. And do you see your email
5 address in the top right corner?

6 A. I do.

7 Q. And then in the from line, is that
8 your email address?

9 A. Yes, it is.

10 Q. And then in the to line, is that
11 President Niehaus' email address?

12 A. You know, once again, the previous
13 email that we looked at for his was at fuse dot
14 net and this one is not. That is an email I am
15 unfamiliar with.

16 Q. Okay.

17 A. I'm not sure why there's a
18 different one there.

19 Q. And we've already talked about the
20 other two email addresses. You recognize Keith
21 Faber and Matt Schuler's email address,
22 correct?

23 A. I do.

24 Q. The timestamp of this email is
25 1:00 a.m. on September 12th. Do you see that?

1 RAYMOND E. DiROSSI

2 A. I do.

3 Q. Do you recall working late during
4 this period?

5 A. Yes.

6 Q. As part of your work during this
7 period were you emailing with President
8 Niehaus?

9 A. Well, this email was from me to
10 him at 1:06 a.m.

11 Q. Okay. And were you -- we've seen
12 other emails from Keith Faber. Were you
13 emailing with him during this period?

14 A. This period being this time of
15 night or this period meaning --

16 Q. Meaning we've seen a couple of
17 emails starting with September 10th. This is
18 September 12th. Do you recall in this period
19 in September emailing with Keith Faber?

20 A. I recall mid September is the time
21 where the first map House Bill 319 was close to
22 being enacted and it was also the final two
23 weeks of the apportionment, so we would be
24 working around the clock on both -- both items
25 simultaneously. So conversations with

1 RAYMOND E. DiROSSI

2 President Niehaus about apportionment and
3 redistricting would be very commonplace.

4 Q. What about with Matt Schuler, were
5 you emailing with him regularly during this
6 period?

7 A. Not as regular. I enjoyed a
8 luxury -- as I mentioned to you before, I had
9 been a part of this process the decade before.
10 I was really the only person that had some
11 historical interaction with this process
12 before. So I was largely, by Matt, who had not
13 been through this process, by President
14 Niehaus, to some extent as well, who had not
15 been through this process, I was -- they knew
16 that I understood the logistical and time
17 frames and everything and so they -- I did not
18 get a whole lot of direction from them.

19 Q. Do you recall if the map had been
20 introduced yet at this point?

21 A. I don't recall.

22 Q. Now, looking at the text of the
23 email, you state index for Latta fell two
24 one-hundredth of a point to 51.33. Who is
25 Latta?

1 RAYMOND E. DiROSSI

2 A. He would have been a congressman,
3 former state senator and congressman from the
4 5th congressional district.

5 Q. And which party was he part of?

6 A. He was a member of the Republican
7 party.

8 Q. And then the next line says index
9 for Jordan rose three one-hundredths of a
10 point, 53.26. Do you see that?

11 A. I do.

12 Q. And who was Jordan?

13 A. He is a former state senator,
14 current member of the Ohio Congressional
15 Delegation.

16 Q. And is that Jim Jordan who we've
17 referenced in the past?

18 A. It is.

19 Q. Okay. And is the index referred
20 to here the same political index that we
21 discussed earlier?

22 A. It's the unified index that I was
23 using or I was trying to use, even though that
24 others wanted to use other --

25 Q. Okay.

1 RAYMOND E. DiROSSI

2 A. -- other indexes.

3 Q. And was it your practice at the
4 time that when you were making changes to the
5 map that you would reference the index?

6 A. Well, as I've said, at any moment
7 in time what people would ask about might be
8 geography, might be indexes, might be
9 incumbency, might be a number of things. The
10 very next line in this email that you didn't
11 mention yet, I'm sure you would have, is the
12 geographical changes to the districts for those
13 two things.

14 So I was mentioning the amount of
15 people in Lucas County that each of these two
16 congressional districts would contain in the
17 4th and 5th congressional district, and then I
18 was also showing the effect on the historical
19 political index simultaneously.

20 Q. Going to the next email in the
21 chain, this one is 7:44 a.m., a more decent
22 time of morning, from President Niehaus to you
23 directly, and it says did Whatman sign off. Do
24 you see that?

25 A. I do.

1 RAYMOND E. DiROSSI

2 Q. Did you have an understanding of
3 who Whatman was?

4 A. Yes.

5 Q. Was that Tom Whatman?

6 A. Yes.

7 Q. And why was Whatman's sign-off
8 discussed here?

9 MR. STRACH: Objection.

10 Go ahead and answer.

11 THE WITNESS: Yeah, I mean, this is
12 an email from Niehaus, so you can ask him - I'm
13 sure you will - of what he was looking for. But,
14 as I said before, Tom was somebody that I was
15 exchanging information on or with.

16 BY MS. THOMAS-LUNDBORG:

17 Q. Sorry, I'm just going to continue
18 and we may get to --

19 A. That's fine.

20 Q. I'm just going to move on. I
21 think the question my colleague has will be
22 relevant. I'm moving on to exhibit -- what I'm
23 going to have marked as Exhibit 34 and it's
24 LWVOH_18320.

25 (Thereupon, Plaintiffs' Exhibit

1 RAYMOND E. DiROSSI

2 Number 34, Document Bates Stamped LWVOH_00018320,
3 was marked for purposes of identification.)

4 BY MS. THOMAS-LUNDBORG:

5 Q. And do you see your email address
6 in the top right corner?

7 A. I do.

8 Q. And then do you see your email
9 address in the to line?

10 A. I do.

11 Q. And the subject is Stivers Map and
12 this is from that same date, Monday, the 12th,
13 and this again is a -- a more natural time of
14 morning, 11:22 a.m. Do you see that?

15 A. I do.

16 Q. And who is this email to?

17 A. To Tom Whatman.

18 Q. And this is the email address that
19 you recognize as his email address?

20 A. Yes.

21 Q. And in the text of the email it
22 says Strivers '08 Pres goes from 52.64 to 53.1.
23 Do you see that?

24 A. I do.

25 Q. Is that another reference to the

1 RAYMOND E. DiROSSI

2 unified index?

3 A. It is.

4 Q. And then it says Stivers --

5 A. I'm sorry. Did you say 52.64 to
6 53.31?

7 Q. Yes.

8 A. Okay. I misspoke. That is not
9 the unified index.

10 Q. What is that?

11 A. 52.64 to 53.31 was the '08
12 presidential numbers. And again, this goes to
13 the inherent conflict where I thought
14 historically we should be looking at one
15 number, and other people, federal folks,
16 congressmen, congresswomen had different
17 numbers they wanted to look at.

18 Q. Okay. And then this says Strivers
19 unified index goes from 55.02 to 55.72. Is
20 that a reference to the unified index?

21 A. It is.

22 Q. Okay. Thank you for that
23 clarification.

24 The next line is Schmidt 08 Pres
25 goes from 54.62 to 53.99. Who is Schmidt?

1 RAYMOND E. DiROSSI

2 A. Congresswoman Schmidt was a -- she
3 is no longer, but she was an incumbent from one
4 of the Southern Ohio congressional districts.

5 Q. And which party was she from?

6 A. Republican.

7 Q. And is this reference to the
8 presidential '08 index that we discussed?

9 A. It is, yeah, the one that's going
10 down, right. So this is -- this is a great
11 example of any time you make these changes in
12 the map, one index might be going up, another
13 one might be going down. So, you know, in this
14 case one set of numbers were going up, another
15 one was going down.

16 Q. And the next line says Stivers
17 unified index goes from 57.64 to 56.96. Is
18 that a typo? Do you think that's Schmidt?

19 A. I think I probably made many typos
20 in these emails. Yeah, that probably would
21 have been Schmidt is what I would have meant
22 there.

23 Q. And would this have been a
24 reference to the unified index that we
25 discussed?

1 RAYMOND E. DiROSSI

2 A. Yes.

3 Q. And then you say I can send the
4 equivalency file if necessary. Do you see
5 that?

6 A. I do.

7 Q. Did you have a practice of sending
8 the equivalency files to Tom Whatman at this
9 point?

10 A. I wouldn't call it a practice.
11 Sometimes I did, sometimes I didn't.

12 MS. THOMAS-LUNDBORG: Okay. I think
13 we have to go off the record to change the DVD.

14 THE VIDEOGRAPHER: We're off the
15 record.

16 (Recess taken.)

17 THE VIDEOGRAPHER: We're on the
18 record.

19 MS. THOMAS-LUNDBORG: Thank you.

20 BY MS. THOMAS-LUNDBORG:

21 Q. Good afternoon.

22 A. Hello again.

23 Q. We're almost there, I promise.

24 I would like to go back to the
25 unified index. Did you share the unified index

1 RAYMOND E. DiROSSI

2 numbers with President Niehaus prior to the map
3 being introduced?

4 A. You mean how I came to suggest the
5 specific races that made -- did I talk to him
6 about its composition or --

7 Q. I'm talking about the unified
8 index numbers for districts. Did you share
9 those numbers with President Niehaus prior to
10 the introduction of HB 319?

11 A. I don't recall if I did.

12 Q. Let's look back at Exhibit 33.

13 And this is an email, to refresh your
14 recollection, from you to President Niehaus,
15 and as we discussed, in the body of the email
16 you reference Latta and Jordan numbers. Do you
17 see that?

18 A. Yes.

19 Q. Does this refresh your
20 recollection about whether you shared unified
21 indices numbers with President Niehaus prior to
22 the introduction of HB 319?

23 A. Well, with regards to this
24 specific email, I mentioned the unified index,
25 I mentioned the geography changes for that --

1 RAYMOND E. DiROSSI

2 those two specific districts. I thought you
3 were asking about all of the districts.

4 Q. Is your recollection that you only
5 shared the unified index number for Latta and
6 Jordan?

7 A. Before you pointed me to this, I
8 didn't recall -- I mean, I obviously sent him
9 this email, but I don't recall any other
10 instances when I would have -- specific
11 instances where I would have shared that
12 information.

13 Q. Would you have shared that
14 information with anyone that you recall?

15 A. Well, again, primarily they were
16 -- if anybody asked me, I would have shared
17 them, but I don't recall.

18 Q. Okay. Do you recall anyone from
19 the leadership, being the Republican
20 leadership, asking for the unified index
21 numbers prior to the introduction of HB 319?

22 MR. STRACH: Objection.

23 THE WITNESS: I don't recall. I
24 think I had lost this battle in the index numbers,
25 the historical election information that I wanted

1 RAYMOND E. DiROSSI

2 to look at, nobody else really seemed to want to
3 look at. They wanted to look at their own --
4 their own numbers.

5 BY MS. THOMAS-LUNDBORG:

6 Q. Okay. So when you look at Exhibit
7 33, that's your index, correct?

8 A. I don't specifically reference
9 that it's the unified index, I just refer to it
10 as an index. So I don't recall if it was the
11 unified index or it was one of the other
12 components thereof or one of the other things
13 that people had asked to look at.

14 Q. Okay. What were the other indices
15 that this could have been in Exhibit 33?

16 A. Like we talked about in some of
17 the other documents, it could have been the '08
18 presidential numbers that a lot of people
19 wanted to use, because these were federal
20 elections so they wanted to use presidential
21 election results. It could have been any of
22 the individual components of the unified index
23 that somebody wanted to look at. We talked
24 about a document where there were some people
25 that said you should be looking at the 2010 AG

1 RAYMOND E. DiROSSI

2 race, a race that I didn't want -- or didn't
3 think we should include in the unified index.
4 So unless I specified the unified index, I
5 can't remember which one that is for.

6 Q. Okay. Looking at Exhibit 34,
7 which we've already gone through, there is a
8 reference to presidential index and unified
9 index. Is the unified index discussed here the
10 unified index --

11 A. Yes.

12 Q. -- that you created?

13 A. Yes, so this one I specifically
14 said what the numbers came from.

15 Q. Okay.

16 (Thereupon, Plaintiffs' Exhibit
17 Number 35, Documents Bates Stamped
18 LWVOH_00018322-18325, was marked for purposes of
19 identification.)

20 BY MS. THOMAS-LUNDBORG:

21 Q. I would like to mark what is going
22 to be Exhibit 35 and it has LWVOH_18322. Do
23 you see that?

24 A. 18 -- 18322?

25 Q. Yes, sorry, I'm just marking it

1 RAYMOND E. DiROSSI

2 for the record.

3 A. Oh, yes, I see.

4 Q. And do you see your email address
5 in the top right-hand corner?

6 A. I do.

7 Q. And then do you see your email
8 address in the from line?

9 A. Yes.

10 Q. Okay. And the email is to Adam
11 Kincaid. Do you recognize that address?

12 A. I do.

13 Q. And then it's copying the Heather
14 Mann address that you recognize, correct?

15 A. Yes.

16 Q. And the Tom Whatman email address
17 that you recognize?

18 A. Yes.

19 Q. Okay. In the text of the email it
20 says we are working to get sign-off from
21 Speaker Batchelder and President Niehaus on
22 this Stivers edit and then we will be done. Do
23 you see that?

24 A. I do.

25 Q. Do you recall there being a

1 RAYMOND E. DiROSSI

2 Stivers edit at the time?

3 A. I don't recall. I mean, the title
4 of this email is Possible Stivers Addition. I
5 can't recall what it was or if it was included
6 or not.

7 Q. Okay. I would like to turn to the
8 next page. I'm sorry, the next page in the
9 same exhibit. This is an email from Tom
10 Whatman at an address that we've already said
11 for the record you recognize, to you, Adam
12 Kincaid and Heather Mann, and the text of the
13 Tom Whatman email says, guys, really sorry to
14 ask, but can we do a small carveout of 77 in
15 Canton and put Timken HQ in the 16th. Do you
16 see that?

17 A. I do.

18 Q. Do you recall receiving a request
19 from Tom Whatman at this time?

20 A. I do.

21 Q. And what was the nature of that
22 request?

23 A. He was asking, very much as the
24 text reads here, of whether or not we could
25 make a geography change and include some

1 RAYMOND E. DiROSSI

2 geography that wasn't currently proposed in the
3 16th into the 16th.

4 Q. And did you have an understanding
5 of why that request was being made?

6 A. I mean, other than what I just
7 said, he wanted to include this area in the
8 16th.

9 Q. And you had no understanding of
10 why?

11 A. No.

12 Q. Did you make that change?

13 A. I believe later in the email I
14 asked Adam Kincaid if he would make the change
15 and send me an equivalency file so that I could
16 review it to understand it a little better.

17 Q. Was it your practice to make
18 changes to geography that you didn't
19 understand?

20 MR. STRACH: Objection.

21 THE WITNESS: I mean, we didn't make
22 the change. Based on this email, they -- I asked
23 them to make the change and send it to me so that
24 I could review it, and then with doing that we
25 made the change.

1 RAYMOND E. DiROSSI

2 BY MS. THOMAS-LUNDBORG:

3 Q. Okay. And why did you make the
4 change?

5 A. Well, this is not -- this was,
6 again, not uncommon that we would make changes
7 for geography at the request of either
8 congressmen or congresswomen to add geography
9 or add territory into the district. This was
10 kind of a common request.

11 Q. Okay. And at any point when you
12 received requests like this, did you question
13 why you were receiving the request?

14 A. In some cases.

15 Q. Do you recall any specific cases?

16 A. I recall -- I recall that we had a
17 specific request from Congresswoman Kaptur to
18 include physical property in the 9th
19 congressional district. She wanted
20 specifically for the NASA Lewis Research Center
21 in Cleveland and Brook Park, Ohio to be
22 included in the district. She also wanted the
23 Plum Brook Station that was in Sandusky, Ohio
24 to be included in her district. And I did not
25 understand the reason for that and so I asked,

1 RAYMOND E. DiROSSI

2 and I got an answer and then I recommended the
3 change.

4 Q. Okay. Are there any other changes
5 to geography that you recall making?

6 A. We may have talked about it
7 before, but in the 3rd congressional district,
8 not congresswoman at the time, but Joyce Beatty
9 specifically asked for some territory to be
10 excluded from 319 into what became 369. And I
11 didn't really appreciate or understand the
12 reason why, and after asking some questions it
13 was relayed to me the reason why and then we
14 made that change.

15 Q. Are there any other requests that
16 you recall?

17 A. Those three are the three specific
18 ones I recall about very specific geographical
19 areas. There were generally people who said
20 put this county in a district, take this county
21 out of a district, but those were the three
22 very, very specific geography ones that we
23 received, and I think all three of them we did.

24 Q. Okay. You just mentioned there
25 were requests about putting counties in certain

1 RAYMOND E. DiROSSI

2 districts. Do you recall any of those?

3 A. There was -- Clark County, I
4 remember there being a lot of conversations
5 about making Clark County whole when it was
6 proposed in 319 to be split between two
7 districts, and 319 as it was adopted did not do
8 that change. But later when we did 369, the
9 map that we've talked a little bit about, Clark
10 County was made whole in the 8th -- in the 8th
11 congressional district.

12 Q. And who was the congressperson in
13 the 8th?

14 A. That was Speaker Boehner.

15 Q. And did that request come directly
16 from Speaker Boehner?

17 A. No, the request was from Senator
18 Widener who wanted to see Clark County made
19 whole in one district. He really didn't
20 specify which, but he wanted Clark County to be
21 whole, didn't want it to be split.

22 Q. And which party was Senator
23 Widener part of?

24 A. Widener was a Republican member of
25 the state Senate.

1 RAYMOND E. DiROSSI

2 Q. Do you recall any other requests
3 related to counties?

4 A. Well, we've talked about -- you
5 mean a whole county or just geography?

6 Q. I'm talking about geography.

7 A. So we talked a little bit about
8 them, but the --

9 Q. Separate from what we've already
10 discussed, any other ones that you recall.

11 A. Okay. Let's see, we talked about
12 the Congresswoman Kaptur, changes for Lucas
13 County and Cuyahoga County, we talked about
14 Fudge changes for the 11th.

15 Oh, I do specifically remember
16 Congresswoman Schmidt from Southern Ohio, she
17 lived in Loveland, Ohio, which she lived in
18 Clermont County in Loveland. And I think one
19 of the earlier questions that you asked me was
20 about communities of interest and I gave
21 examples about political subdivisions like
22 cities that cross -- cross county boundaries.
23 This was one instance where she lived in
24 Loveland in Clermont County, but Loveland also
25 extended into Hamilton County, and so at her

1 RAYMOND E. DiROSSI

2 request she wanted Loveland to be whole in the
3 congressional district. And so in -- I believe
4 in 319 and 369 we unified the city of Loveland
5 even though they were across political
6 subdivision boundaries -- or across county
7 boundaries, I apologize.

8 Q. Okay. Anything else that you
9 recall separate from what we've already
10 discussed?

11 A. Nothing -- nothing else that jumps
12 out at me. Those were the big ones that were
13 focused on geography. Some Republicans, some
14 Democrat.

15 Q. Okay.

16 (Thereupon, Plaintiffs' Exhibit
17 Number 36, Document Bates Stamped DIROSSI_0000046,
18 was marked for purposes of identification.)

19 BY MS. THOMAS-LUNDBORG:

20 Q. I would like to mark what is going
21 to be Exhibit 36. It's DIROSSI_46 for
22 identification. The subject is Confirmed:
23 Meet at the Bunker about Rollout, and it's from
24 September 12th, 2011.

25 Do you recall whether the map was

1 RAYMOND E. DiROSSI

2 public in September -- on September 12th?

3 A. That is close to the date that I
4 believe that the map was adopted, 319 was
5 adopted. I don't know specifically if it was
6 public by then, but it's close to that date.

7 Q. Do you recall whether the map was
8 introduced on the 13th?

9 A. I don't recall.

10 Q. Okay.

11 A. And again, this email is funny
12 because it's almost the opposite of a previous
13 email that you asked me to look at where in
14 this one I say the location of this meeting is
15 in the redistricting office, but in the subject
16 matter I say we're having a meeting at the
17 bunker about the rollout. In the previous
18 email the location was the bunker, but the
19 subject matter was redistricting office. So I
20 just used those interchangeably.

21 Q. Do you have any recollection of
22 what rollout would have been referenced here?

23 A. Yeah, this may have been about the
24 process -- it could have been -- well, I guess
25 I should stop. This could have been about

1 RAYMOND E. DiROSSI

2 apportionment or it could have been about
3 redistricting, so I'm not totally sure which
4 one it's about.

5 Q. Okay. During this time in the
6 process were you working on the rollout for the
7 apportionment map?

8 A. So the apportionment map
9 constitutionally had to be adopted by the end
10 of September. And so I can't remember the
11 exact timelines of when the proposed maps
12 rolled out, but they were in September.

13 Q. Okay.

14 A. They were around this time. So
15 I'm not sure which one is which here.

16 (Thereupon, Plaintiffs' Exhibit
17 Number 37, Document Bates Stamped LWVOH_00018321,
18 was marked for purposes of identification.)

19 BY MS. THOMAS-LUNDBORG:

20 Q. Okay. I'm going to move on to
21 what I'm having marked as Exhibit 37. It's
22 LWVOH and it's 18321 for the record. Do you
23 see your email address in the top right corner?

24 A. I do.

25 Q. And then in the from line it

1 RAYMOND E. DiROSSI

2 appears to be an email from Heather Mann at the
3 email address that you recognize, correct?

4 A. Yes.

5 Q. And then who is in the to line?
6 Do you recognize that email?

7 A. That was an email address for Jim
8 Renacci.

9 Q. And who is that?

10 A. He was a congressman from Northern
11 -- Northeast Ohio.

12 Q. And then your email address is
13 copied; is that correct?

14 A. Yes, I am cc'd.

15 Q. And in the text of the email it
16 says, per your request, here are the population
17 numbers and percentages of Congresswoman
18 Sutton's current district that would be
19 contained in the proposed districts. Do you
20 see that?

21 A. I do.

22 Q. Who is Congresswoman Sutton?

23 A. She is also a -- at the time was a
24 sitting incumbent of a Northeast Ohio
25 congressional district.

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2 Q. Okay. To the extent that you
3 know, why was -- why were the percentages from
4 Congressman (sic) Sutton's district being
5 shared with Congressman Renacci?

6 A. Well, obviously this is an email
7 from Heather to Congressman Renacci and I was
8 just cc'd, so I don't know the specific genesis
9 of it or what specifically she was trying to
10 convey.

11 Q. Okay. At any point did you share
12 numbers like this with sitting congresspeople?

13 A. I don't recall. If asked, I would
14 have, but I can't recall. You know this --
15 maybe I should say, a lot of this in Northeast
16 Ohio has to do -- I guess call it the ripple
17 effect. When the decision was made with
18 Congresswoman Fudge that the 11th district
19 would be structured in a way that started in
20 Cuyahoga and came down to Summit County, it
21 really kind of split Northeast Ohio into two
22 separate halves, and so there were a lot of
23 geographical changes that were happening in
24 Northeast Ohio because of the configuration of
25 the 11th.

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2 And this is one of the districts
3 that was kind of absorbed into six or seven
4 different surrounding districts, but it all
5 kind of started with the decision to draw the
6 11th district the way that it was drawn.

7 Q. Okay.

8 A. So that's the background.

9 Q. And were you a part of those
10 conversations about the changes to this section
11 of the map?

12 A. Heather and I would have worked
13 jointly on those throughout the process.

14 Q. And this is an email to a
15 particular congressperson. Were there emails
16 or phone conversations with other
17 congresspeople about this section of the map?

18 MR. STRACH: Objection.

19 THE WITNESS: You're asking if I or
20 Heather or --

21 BY MS. THOMAS-LUNDBORG:

22 Q. Let's take it in two parts.

23 A. Okay.

24 Q. As far as you're aware, were there
25 other emails with sitting congresspeople about

1 RAYMOND E. DiROSSI

2 this portion of the map that you just
3 described?

4 A. I can't say there weren't, but
5 none that I specifically recall.

6 Q. Okay. Were there phone
7 conversations about this portion of the map
8 with sitting congresspeople?

9 MR. STRACH: Objection.

10 THE WITNESS: None that I recall
11 having.

12 BY MS. THOMAS-LUNDBORG:

13 Q. Okay. Do you recall having any
14 conversations with the members of the staff of
15 sitting congresspeople about this portion of
16 the map?

17 A. None that I can specifically
18 recall.

19 Q. We've gone through a lot of
20 calendar entries. Did you produce all of the
21 calendar entries that you retained from that
22 period?

23 A. Yes.

24 Q. Were you part of the process of
25 revising the map after 319 in preparation for

1 RAYMOND E. DiROSSI

2 369?

3 A. Yes.

4 Q. And what was your role in that
5 process?

6 A. So at this point we had moved out
7 of the redistricting office and I was working
8 in the Statehouse, as we talked about earlier,
9 and so there were, especially in 369 -- the map
10 for 319 for a number of reasons, we can discuss
11 them if you want, had stalled and it was
12 obvious that it wasn't going to be enacted.
13 There were a lot of conversations happening at
14 multiple levels with the Democrats in the
15 Senate and in the House of Representatives
16 about what changes would need to be made to 369
17 in order to get the votes necessary to pass the
18 map.

19 And so as that information was
20 filtering back down to me from a number of
21 sources, I was working independently of
22 Heather, as she was working independently of
23 me, to try to put those together in a map that
24 would balance out the population and try to
25 adhere to as many of these other principles as

1 RAYMOND E. DiROSSI

2 I've articulated, and that's what we were doing
3 in preparation for 369 to be adopted.

4 Q. And you said you were working
5 independently of Heather?

6 A. Yes.

7 Q. Is that different than the process
8 during 319?

9 A. Well, in 319 -- well, for most of
10 the process in 319, if not all of the process,
11 we worked together in the redistricting office.
12 Once we had closed the redistricting office
13 when 319 had been adopted and we thought that
14 would be the map, we thought we were done, and
15 so we both kind of went our separate ways.

16 But then when a second map needed
17 to be done, she was working out of her office
18 and I was working out of the Statehouse, and by
19 independently I meant physically apart from
20 each other.

21 Q. Okay. Were you having
22 conversations about the work that you were
23 doing?

24 A. Some. Not nearly as much as
25 before, but Heather and I did talk

1 RAYMOND E. DiROSSI

2 occasionally, yes.

3 Q. And when you separated your work,
4 were you given individual responsibilities?
5 How was the work divided between you and
6 Ms. Blessing?

7 A. There was no delineation of you do
8 this, I do this. It was we're both working on
9 what our leaders, for me President Niehaus, and
10 for her Speaker Batchelder, thought we needed
11 to do to get the appropriate number of
12 Democratic votes to pass a map.

13 Q. Okay. And when it came to drawing
14 district lines did you work together or
15 separately?

16 A. Mostly separately, but on occasion
17 we would have talked and shared what are you
18 working on, this is what I'm working on.

19 Q. And at the end of the process did
20 you have two separate maps or was it combined
21 into one map?

22 A. Well, at the very end of the
23 process House Bill 369 was introduced in the
24 Ohio House, so she would have been the one who
25 sent the final map to the Legislative Service

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2 Commission to be drafted into a bill so that it
3 could undergo the hearing process. But we
4 would have had to put any pieces and parts of
5 what we had been working on together for her to
6 do that.

7 Q. Okay. And when did the process of
8 putting it together happen?

9 A. You know, I don't recall. There
10 was a long period of time after the adoption of
11 319 where there was just no movement on -- on
12 the map and we were just kind of stuck in
13 neutral. And then we were able to get House
14 Bill -- enough Democratic input that we could
15 get 369 introduced, and we thought that we had
16 enough to move the bill and we didn't, and then
17 we were back into neutral.

18 And then finally there was a
19 breakthrough, probably more that Heather was
20 involved in than I, that kind of broke -- broke
21 through and the deal was struck that the
22 legislative Democrats were comfortable, and
23 then we moved forward with the process and the
24 map was adopted.

25 Q. Going back to 369 prior to

1 RAYMOND E. DiROSSI

2 introduction and the two separate maps, you had
3 a map and Heather had a map, correct?

4 A. Well, I don't know if we had full
5 maps. We obviously had 319 because that's
6 where we left off, but I think -- well, I
7 shouldn't speak for her. I was having
8 conversations -- oops, sorry if I hit the
9 microphone. I was having conversations with
10 Bob Bennett, I was having conversations with
11 Tom Niehaus, he was having conversations with
12 anybody who was giving me input about what the
13 requests of the Democrats in the House and
14 Senate were in order for them to provide their
15 votes. And so I was working on -- maybe not a
16 whole map, maybe I was just working on one
17 district to try to make the changes to
18 accommodate the Democratic requests.

19 Q. And then at some point the changes
20 you made and the changes that Ms. Blessing made
21 were integrated, correct?

22 A. Yes, they would have been to
23 produce House Bill 369 as introduced.

24 Q. Okay. And do you recall when that
25 took place?

1 RAYMOND E. DiROSSI

2 A. I don't. I don't recall when it
3 was introduced.

4 Q. And when you were working on
5 combining the pieces that you were working --
6 that you each were separately working on, did
7 you have a process of deciding what would
8 happen if there was a conflict?

9 A. We didn't have a set process and I
10 can't recall any conflicts that arose. I mean,
11 I think when the Democrats were making a
12 request like we talked about in Montgomery
13 County, that request was being made to the --
14 the House and the Senate kind of together and
15 so there wasn't a conflict. It was kind of
16 like we're either doing what they want to do or
17 we're not.

18 Q. Okay. And you mentioned after 369
19 was introduced it stalled and then there was a
20 breakthrough. What was that breakthrough?

21 A. And again, so here's where I
22 wasn't as involved. That was more on the House
23 side. But I think it all -- or I know it all
24 revolved around Joyce Beatty making some final
25 requests, last-minute changes to the 3rd

1 RAYMOND E. DiROSSI

2 congressional district. And once those were
3 made, the votes were secure and the map could
4 proceed.

5 Q. Okay. And you don't recall what
6 the change was to the 3rd district?

7 A. I mean, I can speak to -- I
8 couldn't speak to the specific geography, but I
9 know specifically she wanted to change a little
10 bit of the geography, and I'm referring to
11 Joyce Beatty, so that one of her potential
12 primary opponents wouldn't be in the 3rd
13 district and they would be in one of the other
14 Franklin County districts. So there was some
15 geography changes that Heather would be able to
16 speak to to accomplish -- to accomplish that
17 request.

18 Q. Okay. And your recollection is
19 that happened after HB 369 was introduced?

20 A. Yes, those were the final changes.
21 369 was then amended and then passed. She also
22 wanted to ensure that the -- the non-Hispanic
23 African American voting age population of the
24 3rd congressional district, to see if it could
25 be made higher, and she also wanted to make

1 RAYMOND E. DiROSSI

2 sure that the index - and again, that's the
3 index that she was looking at, not necessarily
4 the unified index - was as favorable to her as
5 possible.

6 Q. Okay. Do you know which index she
7 was looking at?

8 A. You know, I don't know.

9 Q. Okay. And you said none of those
10 conversations happened directly with you?

11 A. That is correct.

12 Q. And how did you learn of those
13 conversations?

14 A. From conversations with Heather,
15 from conversations with Bob Bennett and
16 conversations with Tom Niehaus.

17 (Thereupon, Plaintiffs' Exhibit
18 Number 38, Documents Bates Stamped
19 SOS_001010-1011, was marked for purposes of
20 identification.)

21 BY MS. THOMAS-LUNDBORG:

22 Q. Okay. I don't think we're going
23 to spend that much time on this. I just want
24 to look at Exhibit -- what I'm going to have
25 marked as Exhibit 38, and it's SOS_1010 for the

1 RAYMOND E. DiROSSI

2 record.

3 Do you see your email address at
4 the top?

5 A. I do.

6 Q. And then this is to Halle Pegler
7 (sic). Do you see that?

8 A. Halle Pelger (pronouncing).

9 Q. Sorry.

10 A. That's okay. If you're not from
11 Ohio, you wouldn't know who she is. No
12 problem.

13 Q. Well, who is she?

14 A. She worked for the Secretary of
15 State's office.

16 Q. And did she have any involvement
17 in the redistricting process?

18 A. So her only involvement for the
19 redistricting process was after the maps were
20 adopted, the Secretary of State in Ohio is in
21 charge of obviously effectuating the elections.
22 And one of the things that needed to be done in
23 both decades, and always needs to be done, is
24 people need to file -- take out petitions to
25 file to run for office.

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2 And in a congressional district
3 the Ohio law is that you have to file in the
4 most populous county in your district. So if
5 you -- if you wanted to run in a district that
6 was in two counties, depending on which county
7 had the most population in your congressional
8 district is which county Board of Elections you
9 would need to file on.

10 The Secretary of State was
11 responsible for letting all 88 county Board of
12 Elections know for congressional districts
13 where candidates would need to file, and this
14 was happening very quickly on the heels of
15 these maps. So my interaction with her, with
16 Halle as a representative of the Secretary of
17 State's office, was letting her know here are
18 the population breakdowns of the district --

19 Q. Okay.

20 A. -- so that they could do that
21 process in a timely manner.

22 (Thereupon, Plaintiffs' Exhibit

23 Number 39, Document Bates Stamped DIROSSI_0000061,

24 was marked for purposes of identification.)

25 BY MS. THOMAS-LUNDBORG:

1 RAYMOND E. DiROSSI

2 Q. Okay. Let's move on to an exhibit
3 I'm going to have marked as Exhibit 39. It's
4 DIROSSI_61 and the subject is Confirmed: Brief
5 Leadership on Congressional Maps. Its date is
6 November 2nd, 2011. Do you see that?

7 A. I do.

8 Q. Do you recall whether you had any
9 briefings with leadership at this time on
10 congressional maps?

11 A. I don't recall if this one -- if I
12 attended this one, but I do recall having
13 meetings with the leadership to update them on
14 where we were in this process.

15 Q. And would you have had those
16 meetings before HB 369 was introduced?

17 MR. STRACH: Objection.

18 THE WITNESS: Yeah, I can't recall.

19 BY MS. THOMAS-LUNDBORG:

20 Q. Okay.

21 A. I definitely had meetings with the
22 leadership as 369 was pending, but I don't know
23 about before it was introduced.

24 Q. Okay. When you met with the
25 leadership would that have been the Republican

1 RAYMOND E. DiROSSI

2 leadership and the Democratic leadership?

3 A. This would have been with the
4 Republican leadership. Obviously if the
5 Democrats had asked, at this point we were
6 working very closely with them in the House and
7 in the Senate to change the map for their --
8 for their requests. So if they had asked, I
9 would have obviously met with them.

10 (Thereupon, Plaintiffs' Exhibit
11 Number 40, Document Bates Stamped DIROSSI_0000499,
12 was marked for purposes of identification.)

13 BY MS. THOMAS-LUNDBORG:

14 Q. Okay. I would like to move on to
15 an exhibit I'm going to have marked as Exhibit
16 40. It's DIROSSI_499. Do you see that?

17 A. Yes, I do.

18 Q. Okay. So this was an exhibit that
19 you produced. It says that it's provided by
20 Gongwer.

21 A. Gongwer (pronouncing).

22 Q. And it's Political Indexes -
23 Proposed Congressional Districts. Do you
24 recognize this document?

25 A. Generally.

1 RAYMOND E. DiROSSI

2 Q. And what is it?

3 A. Well, I am not the source of this
4 document. I produced it because I had it in my
5 possession, but I am not the author or the
6 creator of it.

7 Q. And how did it come to be in your
8 possession?

9 A. Gongwer is a Statehouse news
10 service reporting agency that reports on
11 happenings in and around the Statehouse, and at
12 some point this document would have been in
13 Gongwer and I would have thought it to be of
14 some value and so I would have kept a copy of
15 it in my files.

16 Q. Okay. Do you recall having seen
17 this document before?

18 A. Until I produced it again, I
19 really didn't remember that I had it.

20 Q. Do you know what political indices
21 was being used here?

22 A. Yeah, so the source of this is --
23 Jim Slagle and the Ohio Campaign for
24 Accountable Redistricting, as I mentioned, he
25 had his own methodology and so I can't speak to

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2 what he -- I can't speak to how the methodology
3 he was using.

4 (Thereupon, Plaintiffs' Exhibit
5 Number 41, File Produced in Native Format Bates
6 Stamped DIROSSI_0000525, was marked for purposes
7 of identification.)

8 BY MS. THOMAS-LUNDBORG:

9 Q. Okay. I would like to turn to an
10 exhibit that I'm going to have marked as
11 Exhibit 41. This is another exhibit that was
12 produced in native, it's an Excel file. So
13 there is the cover sheet which says it was
14 produced in native and it's DIROSSI_525. And
15 because it's an Excel sheet, unfortunately the
16 columns break onto different pages.

17 And are you familiar with the term
18 metadata?

19 A. I have heard -- I have heard the
20 term. I've heard the term.

21 Q. Okay. Do you understand that when
22 you produce something in native there is a --
23 there's data associated with when the document
24 was created?

25 A. Yeah, I'm not familiar with

1 RAYMOND E. DiROSSI

2 native. I'm sorry.

3 Q. So this says that the file was
4 produced in native format, meaning we received
5 an Excel spreadsheet.

6 A. Oh, okay, so -- okay, thank you.

7 Q. So I think there's no point in us
8 kind of having a back and forth about what
9 metadata means, but I will represent for the
10 record that the metadata says that this
11 document was created on November 2nd, 2011.

12 Does that generally seem right to
13 you, that you would have been working on
14 documents like this in early November?

15 A. You said November of 2011?

16 Q. Yeah, November 2nd, 2011.

17 A. I mean, generally this is yet
18 another example of a document that I would have
19 created because at any moment in time who knows
20 what question I would be asked. This one, for
21 whatever reason at the time, I was going back
22 to 2001 and trying to show two decades of
23 changes. That's what threw me, that there's 18
24 districts here in the first column, but --

25 Q. Okay. I just want to go through

1 RAYMOND E. DiROSSI

2 each of these columns to make sure I understand
3 what they mean. The first column is 2001
4 member districts. Do you see that?

5 A. I do.

6 Q. And what is your understanding of
7 what this column is?

8 A. Yeah, without -- without saying I
9 was accurate, I assume what I was saying is who
10 were the incumbent members of each of the 18
11 congressional districts in 2001.

12 Q. Okay. And 2001 unified index, do
13 you see that?

14 A. I do.

15 Q. Is that the index that you
16 created?

17 A. Yes, but I can't recall, to be
18 honest, if it was the unified index that I
19 created in 2001 or if it was the unified index
20 I created in 2011 superimposed on 2001
21 districts.

22 Q. Okay. 2011 member districts, do
23 you see that?

24 A. I do.

25 Q. And is this the proposal for the

1 RAYMOND E. DiROSSI

2 districts for 319 or 369?

3 A. Yeah, that is a great question.

4 This is the first example where in this

5 document I can't recall -- you said November of

6 '11?

7 Q. Yes. I'm just talking about this

8 column, members and districts.

9 A. Yeah, but you asked if it was from

10 319 or 369.

11 Q. Right. Were there any changes in

12 the pairing of members and districts between

13 319 and 369?

14 A. No.

15 Q. Okay. Then it says 2011 unified

16 index. Do you see that?

17 A. I do.

18 Q. Would that have been the unified

19 index that you created?

20 A. Sounds right, yes.

21 Q. And then 2008 Pres index with 2011

22 districts. Do you see that?

23 A. Yes.

24 Q. And would that be the 2008

25 presidential index that we've been discussing?

1 RAYMOND E. DiROSSI

2 A. Yeah, that was an alternative that
3 other people wanted to use, so I was including
4 it on my documents so I could have it handy.

5 Q. And then the next column is 2011
6 VA AA. Do you see that?

7 A. I do.

8 Q. What does that column represent?

9 A. It would be 2011 voting age
10 African American population percentages.

11 Q. Okay. And then the next column is
12 2011 NHB VA AA. What does that column
13 represent?

14 A. That's non-Hispanic black voting
15 age African American population percentages.

16 Q. Okay. So the first -- the prior
17 column includes Hispanic blacks and then the
18 following column is non-Hispanic blacks?

19 A. Yes.

20 Q. Okay. Then there's a column
21 entitled REDRAW 2011 unified index. Do you see
22 that?

23 A. I do.

24 Q. And what does that column
25 represent?

1 RAYMOND E. DiROSSI

2 A. That's a good question. I cannot
3 remember what REDRAW meant and why I have it
4 capitalized, if that mean --

5 Q. So it possible that this is the
6 change from 319 to 369?

7 A. It's possible, but I can't say
8 that it is. I don't -- I don't know in this
9 last column what I was trying to compare. I
10 can't say.

11 Q. Okay. Going to the last page, the
12 first column is just a continuation of the
13 first column we saw on the first page, and then
14 the following column is change 2011 unified
15 index. Do you see that?

16 A. I do.

17 Q. Just correct me if I'm wrong.
18 Does that appear to be the change between the
19 2011 unified index on this page and the REDRAW
20 2011 unified index?

21 A. If I take a second and try to get
22 oriented.

23 Q. Sure.

24 A. Okay. I'm sorry. I was just
25 trying to get oriented. Your question again

1 RAYMOND E. DiROSSI

2 was?

3 Q. Oh, whether this change unified --
4 2001 unified index, if this column represents
5 the difference between 2011 unified index and
6 the REDRAW 2011 unified index.

7 So, for example, if you look at
8 the first -- the first row of Chabot, does that
9 appear to be the difference between 2011
10 unified index and REDRAW 2011 unified index?

11 MR. STRACH: Objection.

12 THE WITNESS: I'm just trying to
13 remember. I can't remember what the REDRAW meant.

14 BY MS. THOMAS-LUNDBORG:

15 Q. That's not my question. My
16 question is, is this --

17 A. It would help me understand --
18 understand this document and why I even created
19 it. Okay.

20 Q. Okay. I'm just asking, looking at
21 the numbers themselves, does 2011 unified
22 index, REDRAW 2011 unified index, the
23 difference between the two appear to be a
24 change 2011 unified index?

25 MR. STRACH: Objection.

1 RAYMOND E. DiROSSI

2 THE WITNESS: Yeah, I can't remember.

3 It's possible, but I can't say for sure that
4 that's what it is.

5 (Thereupon, Plaintiffs' Exhibit

6 Number 42, File Produced in Native Format Bates
7 Stamped DIROSSI_0000518, was marked for purposes
8 of identification.)

9 BY MS. THOMAS-LUNDBORG:

10 Q. Okay. I would like to move on to
11 a document I'm having marked as Exhibit 42.
12 It's another document that you produced in
13 native, meaning we got the Excel sheet, which
14 is why we have file produced in native cover
15 sheet, and it's DIROSSI_518, for the record,
16 and the metadata for this document is November
17 15th, 2011.

18 Are you the author of this
19 document?

20 A. You know, this one I'm not sure if
21 -- I can't say for certain like all the other
22 ones that I am the author of this one. This
23 one does not look like the style that I would
24 have created.

25 Q. Okay.

1 RAYMOND E. DiROSSI

2 A. It's similar, but I can't say that
3 I am the author.

4 Q. If you weren't the author, who
5 would you have received this document from?

6 MR. STRACH: Objection.

7 THE WITNESS: You said I produced it?
8 BY MS. THOMAS-LUNDBORG:

9 Q. Yes, you produced it in native,
10 meaning you produced an Excel spreadsheet to
11 us.

12 A. I can't recall who would have
13 given this to me. I don't know.

14 Q. Do you recall having looked at a
15 document like this?

16 A. Until I turned the page, it did
17 not look familiar.

18 Q. Okay. Do you recall during the
19 time that you were working on drafting HB 369,
20 did you look at the unified index?

21 A. Yeah, as we talked about before,
22 on -- the way we had our computers set up,
23 whenever a geographic change was made in the
24 map the population data would change, the
25 Hispanic concentrations of the district would

1 RAYMOND E. DiROSSI

2 change, the African American populations would
3 change and the unified index would change. And
4 we also included, I think, the '08 presidential
5 number as a standalone late in the process
6 because a lot of people were saying you're
7 wrong, you've got to use this one. So any time
8 we made a change, all of those things would
9 have changed.

10 Q. Okay. Do you recall when you were
11 working on HB 369 before it was enacted whether
12 any district changed significantly on the
13 unified index? And it's however you would
14 define significant.

15 MR. STRACH: Objection.

16 THE WITNESS: In 369?

17 BY MS. THOMAS-LUNDBORG:

18 Q. Yes, from 369 as enacted to 319,
19 were there any significant changes on the
20 unified index?

21 MR. STRACH: Objection. I think you
22 mean from 319 to 369.

23 MS. THOMAS-LUNDBORG: From 319 to
24 369, yes.

25 THE WITNESS: Well, the 10th district

1 RAYMOND E. DiROSSI

2 specifically, I remember that that was a function
3 of the legislative Democrats in Montgomery County
4 asking that Montgomery County be made whole
5 significantly changed the index of that district.

6 BY MS. THOMAS-LUNDBORG:

7 Q. And what was the change, if you
8 recall?

9 A. It was about three and a half
10 points.

11 Q. Okay. Did any other district
12 change significantly?

13 A. That's the one -- that's the one
14 example that I can remember sitting here today.

15 Q. Okay. Do you recall whether there
16 was between -- we just talked about 369 as
17 introduced. Do you recall whether there were
18 any significant changes between 319 as passed
19 and 369 as passed to the unified index?

20 A. Well, from 319 to 369 as
21 introduced?

22 Q. We've already discussed 369 as
23 introduced. Now I'm asking 369 as passed.

24 A. Compared to --

25 Q. 319.

1 RAYMOND E. DiROSSI

2 A. 369 as passed to 319, okay. And
3 you're specifically asking if the unified index
4 changed in any of those?

5 Q. In any significant way.

6 A. Well, obviously the 10th, as we
7 just talked about, changed.

8 Q. Yes.

9 A. There was significant geography
10 changes to the 9th congressional district that
11 we talked about that Congresswoman Kaptur was
12 asking for. I can't recall if those impacted
13 the unified indexes, but they were significant
14 geography changes, tens of thousands, if not
15 hundreds of thousands of people moving in and
16 out of those districts.

17 The changes we talked about in the
18 3rd were not substantial geography size
19 changes, so I can't imagine that those would
20 have changed the unified index. So I think the
21 10th and potentially the 9th would be the two
22 that could fit that that would have had
23 significant changes.

24 Q. Okay. So before I introduce this
25 document, I just want to ask you a question and

1 RAYMOND E. DiROSSI

2 then we'll decide if it gets introduced or not.

3 Do you recognize this document?

4 A. I have a vague recollection of
5 this document.

6 Q. Are you the author of this
7 document?

8 A. I don't believe -- I don't believe
9 that I am.

10 Q. Okay. Did you see this document
11 before you prepared for your testimony today?

12 A. I did not.

13 Q. Okay. So then I'll just ask you
14 general questions. You talked about the
15 changes in the numbers of African Americans in
16 the 3rd district, for example. Do you recall
17 by what percentage African American numbers
18 changed from 319 to 369?

19 MR. STRACH: Objection.

20 THE WITNESS: From 319 to 369?

21 BY MS. THOMAS-LUNDBORG:

22 Q. Yes.

23 A. I don't recall.

24 Q. Do you recall what numbers the
25 African American percentage changed in CD 9

1 RAYMOND E. DiROSSI

2 from 319 to 369?

3 A. I don't recall for the 9th either.

4 Q. Okay. Do you recall any other
5 district where --

6 A. There's a much more significant
7 African American population in the 3rd than in
8 the 9th, so I'm not sure there's -- the 9th is
9 in west Cleveland and goes to Toledo and
10 doesn't have all of Toledo, so there's not a
11 significant African American population.

12 Q. Okay.

13 A. So I don't think there would have
14 been significant changes.

15 Q. Do you recall whether the
16 percentage of African Americans changed in
17 district 11 from 319 to 369?

18 A. I don't recall any changes to the
19 geography of 11 at all specifically after 319
20 was introduced. I got the impression that
21 Congresswoman Fudge was very happy with how the
22 district was proposed in 319. As we talked
23 about, she specifically didn't want to be in
24 Cuyahoga County and paired with Dennis Kucinich
25 and she wanted it to remain a majority/minority

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2 district. So I don't -- I don't believe we
3 made any changes to the 11th from 319 to 369 as
4 enacted.

5 Q. Okay. Did the African American
6 population change from 319 to 369 in any other
7 district that we haven't discussed?

8 A. Did it change at all, you're
9 asking? Did it change at all? Again, you're
10 asking from 319 to 369?

11 Q. Yes.

12 MR. STRACH: Objection. 369 as
13 introduced or as passed?

14 THE WITNESS: That's a good point,
15 yeah.

16 BY MS. THOMAS-LUNDBORG:

17 Q. If there are changes from it as
18 introduced we can start there and then we can
19 go to as passed.

20 A. So before you asked if there were
21 significant as I defined it, and now you're
22 asking for any --

23 Q. Yes.

24 A. -- any change? Okay. I just want
25 to make sure I have that right.

1 RAYMOND E. DiROSSI

2 I mean, I believe the 10th, the
3 10th district, as we talked about, from 319 to
4 369 as introduced and 369 as enacted would have
5 had changes to the minority population after
6 the change that the legislative Democrats asked
7 for.

8 Q. And do you recall what was the
9 nature of that change as introduced?

10 A. You mean am I able to quantify the
11 change?

12 Q. Yes.

13 A. I am not, not offhand.

14 Q. And as enacted?

15 A. No.

16 Q. Are there any other districts
17 where the African American population changed?

18 A. We talked about the 11th, we
19 talked about the 9th, we talked about the 3rd,
20 we talked about the 10th. I mean, it is
21 possible anywhere there was any legislative
22 change, obviously there could have been a very
23 insignificant change, small change in those,
24 but I've articulated the ones I can recall.

25 MS. THOMAS-LUNDBORG: Okay. I think

1 RAYMOND E. DiROSSI

2 I've gone through my major questions, so maybe if
3 we just take a five-minute break and I might have
4 something short.

5 MR. STRACH: Okay.

6 THE VIDEOGRAPHER: We're off the
7 record.

8 (Recess taken.)

9 THE VIDEOGRAPHER: We're on the
10 record.

11 BY MS. THOMAS-LUNDBORG:

12 Q. We're almost done. Good evening,
13 I think it is now.

14 A. Good evening.

15 Q. So I would like to just ask you a
16 few follow-up questions about things that you
17 testified to earlier.

18 We talked a lot about the unified
19 index and you said that at some point you lost
20 the war over the unified index. Could you
21 clarify the war regarding the unified index?

22 A. Yeah, so probably a poor choice of
23 words. It was the -- from my experience the
24 previous decade, that was the index when we
25 were looking at historical election data that I

1 RAYMOND E. DiROSSI

2 thought we should use. But especially using --
3 when we were in congressional redistricting,
4 everybody else had their own standard and
5 nobody really thought necessarily that the
6 unified index was the best one.

7 I still tried to use it, but
8 anybody at the national level, the congressmen
9 and women that we were dealing with that were
10 incumbents or aspiring candidates, they had
11 their own -- they had their own standard, and
12 then many people wanted to use the '08
13 presidential as a single race to look at races,
14 and I just was kind of wanting to use the
15 unified index.

16 Q. Okay. Let's take those in kind of
17 pieces. Did President Niehaus have a different
18 index that he wanted to use?

19 A. Not that he ever conveyed to me,
20 no.

21 Q. Did Speaker Batchelder have
22 another index that he wanted to use?

23 A. No.

24 Q. What about Matt Huffman, did he
25 have another index that he wanted to use?

1 RAYMOND E. DiROSSI

2 A. Not to my recollection.

3 Q. What about Keith Faber, did he
4 have another index that he wanted to use?

5 A. No.

6 Q. You mentioned national people had
7 different indexes. Did Adam Kincaid have
8 another index that he wanted to use?

9 A. Yes.

10 Q. And what index was that?

11 A. That was the PVI or R plus 1, D
12 plus 1 system.

13 Q. Okay. And did he tell you why he
14 wanted to use that system?

15 A. I guess that is a common -- common
16 used national -- national description of
17 districts.

18 Q. And did you share with him PVI
19 numbers prior to the introduction of HB 319?

20 A. So I would never be able to share
21 with anybody PVI because I don't know how to
22 calculate it or couldn't generate it on my own.
23 It would have to be something that was provided
24 by somebody else and given to me.

25 Q. Did you have discussions with Adam

1 RAYMOND E. DiROSSI

2 Kincaid about the PVI prior to the introduction
3 of HB 319?

4 MR. STRACH: Objection.

5 THE WITNESS: Yeah, not that I -- not
6 that I recall.

7 BY MS. THOMAS-LUNDBORG:

8 Q. Okay. Did you have discussions
9 with Adam Kincaid about the PVI prior to the
10 introduction of HB 369?

11 MR. STRACH: Objection.

12 THE WITNESS: Yeah, I don't recall.

13 BY MS. THOMAS-LUNDBORG:

14 Q. Okay. What about Tom Whatman, did
15 he have a system that he wanted to use?

16 A. None that he particularly
17 articulated to me, but I just got the
18 impression he didn't think the unified index
19 was the -- was the best way to look at those
20 districts.

21 Q. Okay. Did he make suggestions
22 about other ways to look at those districts?

23 A. I can't recall specifically. I
24 can't recall specifically if he suggested -- if
25 he was the one that suggested using '08

1 RAYMOND E. DiROSSI

2 presidential numbers.

3 Q. Okay. Did you receive any
4 suggestions from President Niehaus regarding
5 the partisan composition of districts --

6 MR. STRACH: Objection.

7 BY MS. THOMAS-LUNDBORG:

8 Q. -- prior to the introduction of HB
9 319?

10 MR. STRACH: Objection.

11 THE WITNESS: None -- none that I
12 recall.

13 BY MS. THOMAS-LUNDBORG:

14 Q. Did you receive any -- strike
15 that.

16 Did you share draft maps with
17 President Niehaus prior to the introduction of
18 HB 319?

19 A. I'm sure I did.

20 Q. And did you share draft maps with
21 President Niehaus of HB 369 prior to its
22 introduction?

23 A. I'm sure I would have and did.

24 Q. Did you -- and do you recall how
25 many draft maps you would have shared with him?

1 RAYMOND E. DiROSSI

2 A. I don't recall.

3 Q. Did you have a process for sharing
4 draft maps with President Niehaus?

5 A. Did not have a process.

6 Q. Did you share any draft maps with
7 Speaker Batchelder prior to the introduction of
8 HB 319?

9 A. Heather and I together would have.

10 Q. And do you recall how many draft
11 maps you shared with him?

12 A. I don't recall. And again, to
13 clarify draft maps, when you're saying that in
14 my mind I'm thinking the maps that became House
15 Bill 319 as introduced, the maps that became
16 House Bill 369 as introduced. They weren't
17 necessarily drafts of like other iterations.
18 The ones that I'm specifically recalling are
19 sharing with them the maps that ended up being
20 the introduced versions.

21 Q. Okay. Did you share -- I think we
22 talked about the speaker related to HB 319.
23 Did you share drafts of HB 369?

24 A. With Speaker Batchelder?

25 Q. Yes.

1 RAYMOND E. DiROSSI

2 A. I would -- I believe Heather and I
3 would have, absolutely.

4 Q. And when you were sharing drafts
5 with President Niehaus and Speaker Batchelder,
6 what information was included in those drafts?

7 A. Well, Speaker Batchelder is an
8 amazing individual. He asked us to fax him
9 copies of maps. And so I believe your specific
10 question is about Speaker Batchelder, we would
11 have -- Heather and/or I, or another member of
12 his staff, would have faxed him maps. It would
13 have been the maps is my recollection of what
14 we would have shared with him, which we all
15 joked was worthless because the maps were going
16 to print out at the other end of the fax
17 machine in black and white and you would not be
18 able to tell what you were looking at.

19 Q. And were you just sharing the
20 picture of the map or were you sharing any
21 underlying data regarding the map?

22 A. We were faxing him the maps.

23 Q. So the picture of the map?

24 A. The picture of the map is
25 specifically what I recall.

1 RAYMOND E. DiROSSI

2 Q. Okay. And President Niehaus, what
3 were you sharing with him?

4 A. He would have been potentially
5 over at the office so he could actually see the
6 map on the screen that we were talking about.
7 And then so obviously all of the demographic
8 data that I mentioned before that would be on
9 the screen for any map that we were working on
10 would have been available for him to look at.

11 Q. And the demographic data that
12 would be available is demographic data and you
13 said also the index would be available?

14 A. Yeah, population data, minority
15 concentrations, population deviations, indexes,
16 yes.

17 Q. Okay. And Mark Huffman, did you
18 share drafts --

19 A. Matt.

20 Q. I'm sorry, Matt.

21 A. No problem.

22 Q. Matt Huffman, did you share drafts
23 of the map with Matt Huffman --

24 MR. STRACH: Objection.

25 BY MS. THOMAS-LUNDBORG:

1 RAYMOND E. DiROSSI

2 Q. -- prior --

3 MR. STRACH: Sorry, I just want to
4 make clear you're still working off of his
5 definition of draft, which is draft of the map as
6 introduced.

7 MS. THOMAS-LUNDBORG: Yes, of HB 319.

8 THE WITNESS: Yeah, I remember
9 sharing a map that became 319 with Representative
10 Huffman.

11 BY MS. THOMAS-LUNDBORG:

12 Q. Okay. To your counsel's
13 clarification, were there any iterations of
14 versions of the map that were shared that
15 predate the map that was introduced?

16 MR. STRACH: Objection.

17 THE WITNESS: I'm trying to recall
18 what specific ones those would be. I just -- I
19 just can't remember that far back of what
20 specifically would have been shared.

21 BY MS. THOMAS-LUNDBORG:

22 Q. Okay. With Matt Huffman you did
23 share a draft of HB 319?

24 A. Yes, because I believed he was
25 going to be the sponsor, so I believe Heather

1 RAYMOND E. DiROSSI

2 specifically had said that we needed to make
3 sure that he had an understanding of what he
4 would be introducing to start the legislative
5 process.

6 Q. And did you share a draft of HB
7 369 with Matt Huffman before it was introduced?

8 MR. STRACH: I'm sorry, objection.
9 Of the as introduced version before it was
10 introduced or of something different than the as
11 introduced version?

12 MS. THOMAS-LUNDBORG: He can define
13 in his answer what draft and what it was that was
14 shared with Matt Huffman.

15 THE WITNESS: So in all of these
16 questions I'm referring to the map that became the
17 introduced versions. I have specific
18 recollections of sharing the maps that became the
19 introduced versions. I don't have specific
20 recollections of other ideas, concepts or drafts
21 that ended up not being the introduced versions.

22 BY MS. THOMAS-LUNDBORG:

23 Q. Okay. So with Matt Huffman do you
24 have a recollection of sharing the map as
25 you're defining it of 369?

1 RAYMOND E. DiROSSI

2 A. Yes.

3 Q. Okay. And Keith Faber, did you
4 share a version of the map, and you can clarify
5 in your answer what you mean, of HB 319 prior
6 to introduction?

7 A. I don't specifically recall with
8 Senator Faber. I don't recall. The bill was
9 being introduced in the house, not the Senate.
10 So there was more focus on the House members.

11 Q. Okay. Do you recall whether a
12 version of HB 369 was shared with Senator Faber
13 prior to its introduction?

14 A. As we discussed earlier, he and I
15 did spend some time at the office looking at
16 specifically the geography in Mercer County
17 where we have three congressional districts
18 coming together, so, you know, some of those
19 versions may have found their way into 319
20 and/or 369 and some of them may not have.

21 Q. Okay. So just to go back to make
22 sure the record is clean, with Senator Faber
23 did you discuss the map in draft form prior to
24 the introduction of 319?

25 A. I don't have a specific

1 RAYMOND E. DiROSSI

2 recollection of that.

3 Q. Okay. When we looked at -- and we
4 can go back to the exhibit --

5 A. Other than the Mercer County --
6 other than the Mercer County geography issue
7 that we just talked about.

8 Q. Okay. Did you share a draft map
9 with anyone else prior to the introduction of
10 HB 319? And you can define what draft means in
11 your answer.

12 MR. STRACH: Objection. You need to
13 define whatever you're talking about.

14 THE WITNESS: Yeah, yeah, I mean it's
15 -- you know, the people I've articulated I have
16 specific memories of sharing the maps with them
17 that were introduced and, you know, we've talked
18 today about some of the other people who had
19 looked at maps. I think I've exhausted every --
20 all of the people that I can specifically remember
21 sharing maps with.

22 BY MS. THOMAS-LUNDBORG:

23 Q. Okay. In regards to HB 369, do
24 you recall sharing the map with anyone else?

25 MR. STRACH: Same objection, same

1 RAYMOND E. DiROSSI

2 instruction.

3 THE WITNESS: Yeah, I mean, the only
4 person, Bob Bennett. Bob Bennett and I, I mean,
5 I've said his name before, but he would have
6 looked at maps that became House Bill 369, at
7 least pieces of -- pieces of it.

8 BY MS. THOMAS-LUNDBORG:

9 Q. Did he look at maps that would
10 have become 319?

11 A. I don't -- I don't have those
12 recollections. I don't recall.

13 Q. Oh, I'm getting --

14 MR. FRAM: We're improving.

15 BY MS. THOMAS-LUNDBORG:

16 Q. You said that you shared the maps
17 as defined as the map as introduced. Did you
18 share any of the demographic data with anyone
19 prior to the introduction of HB 319?

20 MR. STRACH: Objection.

21 BY MS. THOMAS-LUNDBORG:

22 Q. And I'm using your term
23 demographic data that you used in a prior
24 response.

25 A. Well, I mean, like I said, the

1 RAYMOND E. DiROSSI

2 people that were at the office would have seen
3 it on the screen, the people that we were
4 faxing maps to would not have had access to it.
5 I don't recall -- I mean, that is just such a
6 hectic, crazy time, and I don't recall any more
7 details about who we would have shared it with,
8 who I would have shared it with and what I
9 would have shared, other than what I've said.

10 Q. Okay. As you sit here today is
11 your recollection that the primary way that you
12 shared demographic data was by showing it on
13 the computer screens in the office?

14 MR. STRACH: Objection.

15 THE WITNESS: I mean, that was -- if
16 people were there, that was certainly the easiest
17 way to share it with them, but we've gone through
18 a couple examples where it was done by email.

19 MS. THOMAS-LUNDBORG: Okay. I have
20 no further questions at this point.

21 MR. STRACH: All right. We don't
22 have any -- this is Phil Strach. We don't have
23 any questions at this time.

24 MR. TUCKER: Intervenors don't have
25 any questions at this time.

1 RAYMOND E. DiROSSI

2 MR. STRACH: Are we off the record?

3 MS. THOMAS-LUNDBORG: We're off the
4 record. Good night, everyone.

5 THE VIDEOGRAPHER: Off the record.

6 (Thereupon, signature was not waived
7 by the witness.)

8 (Thereupon, the deposition was
9 concluded at 6:10 p.m.)

10 * * *

1 I, RAYMOND E. DiROSSI, do hereby certify
2 that the foregoing is a true and accurate
3 transcription of my testimony.

4
5
6 - - - - -

7
8 Dated - - - - -

1 STATE OF OHIO)

2 COUNTY OF MONTGOMERY) SS: CERTIFICATE

3 I, Christine Gallagher, a Notary
4 Public within and for the State of Ohio, duly
5 commissioned and qualified,

6 DO HEREBY CERTIFY that the
7 above-named RAYMOND E. DiROSSI, was by me first
8 duly sworn to testify the truth, the whole truth
9 and nothing but the truth.

10 Said testimony was reduced to
11 writing by me stenographically in the presence
12 of the witness and thereafter reduced to
13 typewriting.

14 I FURTHER CERTIFY that I am not a
15 relative or Attorney of either party, in any
16 manner interested in the event of this action,
17 nor am I, or the court reporting firm with which
18 I am affiliated, under a contract as defined in
19 Civil Rule 28(D).

20 IN WITNESS WHEREOF, I have hereunto set my
21 hand and seal of office at Dayton, Ohio, on this
22 31st day of October, 2018.

23 _____
CHRISTINE GALLAGHER

24 NOTARY PUBLIC, STATE OF OHIO

25 My Commission expires 8-28-2023

ERRATA SHEET

Case Name:

Deposition Date:

Deponent:

Pg.	No.	Now Reads	Should Read	Reason
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Signature of Deponent

SUBSCRIBED AND SWORN BEFORE ME

THIS ____ DAY OF _____, 2018.

(Notary Public) MY COMMISSION EXPIRES: _____